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CANADA

Debates of the Senate

1st SESSION

• 36th PARLIAMENT

• VOLUME 137

• NUMBER 151

OFFICIAL REPORT
(HANSARD)

Wednesday, June 16, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



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(Daily index of proceedings appears at back of this issue.)

Debates: Chambers Building, Room 943, Tel. 995-5805

Published by the Senate

Available from Canada Communication Group — Publishing, Public Works and
Government Services Canada, Ottawa K1A 0S9,

Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, June 16, 1999

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

THE LATE BERNIE FALONEY

Hon. Francis William Mahovlich: Honourable senators, Bernie Faloney was an exception. He could not pass, he could not run, he could not kick. He played in nine Grey Cup games, winning in four, and this was accomplished with bowed legs.

Bernie Faloney played in many famous games, including for Edmonton in the 1954 Grey Cup. From 1955 to 1956 he served in the U.S. Air Force. In 1957 he was with the Hamilton Tiger Cats. He did not have the bullet-like passes of Sam "the Rifle" Etcheverry, but they somehow hit their targets. He did not have the power of Lou "the Toe" Grozza, the famous Cleveland punter, but his average was as good as any punt specialist.

One of the greatest moments in sports came in 1961; a sudden death game in Hamilton against the Toronto Argonauts. The score was 25-25. The Argo's star kicker, Dave Mann, was going for the winning single point. The Tiger Cats placed Bernie Faloney in the end zone to kick the ball back. What happened next has been called the greatest moment in sport. Mann's kick only went 10 yards into the end zone. Faloney kicked the ball back. The Argo kicker recovered the ball and sent it flying towards the Tiger Cat end zone. Mr. Faloney snared the pigskin just to the right of the post. Then he started down the field, side-stepping the huge Argo linemen, and sometimes he had to step by the same defensive person twice. Because of his bowed legs and speed, he could be caught again once missed.

The run seemed to take an eternity — the length of the field for the apparent winning touchdown. However, the run was called back, owing to a penalty, and the game went into overtime. Before 27,000 fans, the game was so tense that a spectator had a seizure and another died watching the game on TV. The Tiger Cats won, but lost to Winnipeg in the Grey Cup, and Mr. Faloney won the Schenley Award as the league's most valuable player.

Bernie Faloney was born in Carnegie, Pennsylvania, and attended the University of Maryland. A rambling, scrambling quarterback, in 1953, he was runner-up for the Heisman Trophy, and San Francisco's first draft pick in the National Football League. In 1963, the Grey Cup was perhaps Faloney's greatest

playoff performance. It was the day after John F. Kennedy's assassination, when most sports events were cancelled.

Mr. Faloney was a member of the Hamilton Rotary, part owner of a construction business and a member of the Canadian Football Hall of Fame.

I had the opportunity to meet Bernie at different charitable functions over the years. We had much in common, except for hunting foxes. He enjoyed horses and, with a close friend of mine, Max Cherneski, they would ride with the hounds, like royalty.

Mr. Faloney had suffered from colorectal cancer for the past year and wanted to start a public awareness campaign for the disease. When I awoke this morning to find that Bernie had died, my wife and I recalled his words when the cancer was discovered. "Don't feel sorry for me," he said.

We will not feel sorry for you, Bernie, but we do feel sorry for Hamilton and all your fans. They will miss you. God bless.

CONFLICT IN YUGOSLAVIA

VIOLENCE TOWARD WOMEN

Hon. Lucie Pépin: Honourable senators, war is a horrible occurrence under any circumstances. Recent reports coming out of Kosovo, however, point to incidents so hateful and sadistic that it becomes very difficult to envision how faith in humanity can continue.

• (1340)

With ethnic cleansing, the intent of the aggressor is so base, so twisted with blind hatred that their acts of war are unbearable in terms of the emotional and physical anguish they inflict.

The United Nations published a report two weeks ago detailing a significant upsurge in sexual violence against ethnic Albanian women in Kosovo. According to refugees' accounts, Serb soldiers target young women, ages 15 to 25, taking groups of five to 30 to unknown places by truck or locking them up in houses where soldiers live. Any resistance is met with threats of being burned alive or being beaten to death. Men who try to intervene are killed on the spot.

It would appear that rape is being used as a tool of war alongside violence, looting and arson. Rape can be a very effective means of destroying communities, both physically and emotionally. In many reports by refugees, the rapes were committed in public view, in front of family and community members. As one refugee explained:

Rape is the worst thing you can do to an Albanian male...
Killing a man or a woman is not half as bad and —

— the Serbs —

— know that.

The stigma of being raped and violated in Muslim society is overwhelming. Rape victims describe themselves as dead to their families. Others fear being divorced or excluded from their communities. Rape is complete shame, utter humiliation for refugees from the villages of Kosovo. As one rape victim put it:

At that moment I thought God doesn't exist. I thought they wanted to kill me, but no. They didn't want to kill me. I wanted to kill myself.

The relative vulnerability of women in society and the subordinate role they occupy during wartime leave them prey to great suffering. I am very encouraged that since the Bosnian war of 1992-95, rape is now prosecuted as a separate crime at the UN War Crimes Tribunal. This demonstrates that the reality of the experience of women in war is beginning to be officially recognized.

From the nurses who served so honourably and discreetly throughout the wars of this century, to female victims of war in Kosovo and other regions of conflict, we must realize that war is an experience that touches, involves and affects everyone in different ways. The role of women in war as soldier, as saviour or as victim must be understood, tended to and commemorated alongside that of men.

In order to achieve peace in Kosovo, we will need to recognize and remember the distinct experience of women. We will need to ensure that peace is brought, not only to the conflict between ethnic Albanians and Serbs, but also within the ethnic Albanian community itself. Kosovar Albanians will not be able to rebuild their communities fully until the spectre of rape and shame are exorcised from the minds of both men and women.

Honourable senators, I call on the Government of Canada to make rape counselling and aid to victims of rape and their families a significant part of the humanitarian aid to this region. There is no question that the experience of women in this war will have deep and profound consequences on ethnic Albanian Kosovars for generations to come. We must help them to overcome these deep wounds if they are to move beyond them.

MYTHS OF MULTICULTURALISM POLICY

Hon. Donald H. Oliver: Honourable senators, indications are that our summer break will soon be here. For some of us it is an opportunity to return to our homes, work in our gardens, play some golf and spend some meaningful time with our grandchildren. Perhaps most important of all it will provide an opportunity for reflective thought, and to catch up on reading a

number of new books that have piled up as a result of the hectic pace here in Ottawa.

I should like to leave with honourable senators a couple of thoughts for consideration during their reflective moments this summer. They refer to Canada's current multiculturalism policy and whether it is wanting. Originally, I had intended to set down an inquiry and encourage a full debate on whether a special committee should be struck to study this important topic. As a result of many letters and discussions, I decided not to proceed that way.

Instead, I wish to place before you, in the two or three minutes remaining, some of the issues in the hope that some honourable senators will think about them during the summer, and perhaps this fall a viable course of action may make itself known to us. Here are the facts.

This country is undergoing great change in the composition of its population. The 1996 census reveals a country where more than 10 per cent of Canada's inhabitants identify themselves as belonging to a visible minority group. A recent study predicts that visible minorities will make up close to 55 per cent of Toronto's population in about a year.

Canada's multiculturalism policy had its origins in the report of the Royal Commission on Bilingualism and Biculturalism in the 1960s. The commission found that there were a number of minority groups in Canada with a clear sense of their identity which, without undermining national unity, wanted to maintain their linguistic and cultural heritage. Their presence in Canada enriched the cultural mosaic of our country.

Actually, most of the recommendations of the commission were directed towards achieving some form of recognition of the language and cultures of non-British and non-French ethnic groups. In fact, the commission recommended that the federal government formally reject the objective of the "melting pot" or assimilation theory.

In 1982, multiculturalism became entrenched in the Charter of Rights and Freedoms, as section 27 ensures that the Charter, and therefore Canadian laws which are subject to the Charter, must be interpreted in a way that preserves and enhances the multicultural heritage of Canada. As well, section 15 ensures protection against discrimination based on race, national and ethnic origin.

In 1988, the federal Multiculturalism Act was adopted and in 1991 we witnessed the establishment of the Department of Multiculturalism and Citizenship. The 1988 Multiculturalism Act, brought in by the previous government, enshrined in law the recognition of Canada's multicultural reality, the responsibility of federal institutions to reflect that reality and to implement multicultural policies, and gave the multiculturalism minister a special coordinating and advocacy role in order to implement the act.

The policy objectives set out in the act are decidedly proactive. The words "promote," "recognize," "encourage" and "enhance" are found many times throughout the 10 objectives. The act also sets out programs which could, if implemented, respond to these objectives.

Unfortunately, these objectives, the programs and the goals of a multiculturalism policy were never adequately explained to the people of Canada. As a result, certain myths have developed about multiculturalism policy, myths that are not founded in reality but which have become a lightning-rod for those who wish to fan the fires of racism.

In conclusion, honourable senators, let me tell you what one or two of those myths are in the hope that you will think about them this summer, and perhaps this fall we could review the myths: Multiculturalism has promoted ethnic separation among immigrants; it encourages the formation of self-contained ghettos; it exaggerates differences, driving wedges between the races and nationalities; it does not encourage immigrants to think of themselves as Canadians, but invites them to stay apart from the mainstream.

These, honourable senators, are the issues that I would invite you to think about, and perhaps this fall when we come back, we could reconsider them.

ROUTINE PROCEEDINGS

CRIMINAL CODE

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Lorna Milne, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Wednesday, June 16, 1999

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

TWENTY-SIXTH REPORT

Your committee, to which was referred Bill C-82, to amend the Criminal Code (impaired driving and related matters), has, in obedience to the Order of Reference of Monday, June 14, 1999, examined the said bill and now reports the same without amendment.

Respectfully submitted,

LORNA MILNE
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Milne, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1350)

NATIONAL FINANCE

SUBCOMMITTEE ON EMERGENCY AND DISASTER PREPAREDNESS AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Terry Stratton: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Subcommittee on Canada's Emergency and Disaster Preparedness of the Standing Senate Committee on National Finance have the power to sit at 5:30 this afternoon today, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

GOVERNMENT POLICY ON CHINA

NOTICE OF INQUIRY

Hon. Consiglio Di Nino: Honourable senators, as a result of being inspired by Senator Austin's response to my statement on Tiananmen Square, I give notice that on Friday next, June 18, 1999, I will call the attention of the Senate to this government's dealings which China and the effect on Canada and Canadians.

QUESTION PERIOD

THE SENATE

ABSENCE OF GOVERNMENT LEADER

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, due to an unavoidable absence, the Leader of the Government in the Senate is not able to be here for Question Period. However, I will take as notice any questions that honourable senators might wish to ask.

ORDERS OF THE DAY

MISCELLANEOUS STATUTE LAW AMENDMENT BILL, 1999

THIRD READING

Hon. Sharon Carstairs (Deputy Leader of the Government) moved the third reading of Bill C-84, to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain Acts that have ceased to have effect.

Motion agreed to and bill read third time and passed.

PUBLIC SECTOR PENSION INVESTMENT BOARD BILL

THIRD READING—MOTION IN AMENDMENT—VOTE DEFERRED

Hon. Michael Kirby moved the third reading of Bill C-78, to establish the Public Sector Pension Investment Board, to amend the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the Royal Canadian Mounted Police Superannuation Act, the Defence Services Pension Continuation Act, the Royal Canadian Mounted Police Pension Continuation Act, the Members of Parliament Retiring Allowances Act and the Canada Post Corporation Act and to make a consequential amendment to another Act.

He said: Honourable senators, Bill C-78 amends legislation affecting a wide-ranging number and categories of federal employees. It has been typically referred to in the media and, indeed, at our committee hearings, as the bill to amend public sector pensions. Honourable senators should understand that the bill affects a number of different groups, including, for example, the RCMP, the Canadian Forces, and the two groups which we normally think of as public servants and the PIPS organization.

I should like to comment today on the four issues which were most commented on by the more than 30 witnesses heard by the committee during its consideration of this bill.

The first of these four issues is the ownership and disposition of the current surplus in public service pension plans, the so-called \$30-billion surplus one sees referred to in various media reports.

The second issue is the management and governance structure of the proposed pension investment board, which will have responsibility for investing pension funds in public markets.

The third issue is the extension of death benefits to same-sex partners in a conjugal relationship.

The fourth and final issue which I will address is another which arose repeatedly before the committee, that is, the degree

of stakeholder consultation which had taken place prior to the original tabling of this bill in the other place.

By way of background, the current surplus in the public service pension plans in Canada is in the order of \$30 billion. That surplus has been built up over a number of years. It is important for honourable senators to understand that this fund has not always been in a surplus position. Indeed, there have been occasions in the past when, from an actuarial point of view, this fund was in a deficit position and the government was required to make up that deficit by making additional employer contributions. Indeed, over the years since public service pensions have existed, in the order of \$13 billion in additional employer payments have been required from the government, and thereby from taxpayers, when the plan was in a deficit position.

The issue on which all representatives of public sector organizations spent a considerable amount of time in testimony before the committee was the issue of whether this surplus belonged, in whole or in part, to the employees or, as the bill suggests, to the employer, in this case the Government of Canada.

Honourable senators, in order to put this issue in context, it is important to understand the nature of a defined benefit pension plan. In a defined benefit pension plan, employees are guaranteed a pension whose value is determined by a formula which is arrived at through the use of two variables. They are: the length of service and the average salary over the employee's six best years.

Therefore, the guarantee that employees have when they join the public service pension plan is based purely on the basis of how long they are in the plan and what they were paid while they were working for the government.

• (1400)

The guarantee is not a function of whether the existing fund of money contributed by employees and by the employer is in a deficit position or a surplus position. That is what is meant by a defined benefit plan. The benefit to an employee is, in fact, defined by a mathematical formula.

Therefore in this case, regardless of whether it is the government or any other private sector employer with a defined benefit plan, the risk associated with that plan being in a deficit is entirely the responsibility of the employer. That is to say, if the fund is short of money, then the responsibility for making up that deficit rests entirely with the employer. Therefore, the corresponding side of that equation is that, in the event that the plan generates a surplus, then that surplus, in fact, ought to belong to the employer. That is the rationale used in this act, and indeed given in testimony to the committee by the President of the Treasury Board in order to defend the view that the surplus in the plan belongs to the employer.

Lest one begin to think that this is a unique situation related to the fact that the employer is a government and, therefore, a government has the ability to set legislative and regulatory rules governing pension plans, I would refer you to an article, just by way of illustration, from yesterday's *Wall Street Journal*. The very interesting article is about private sector defined benefit pension plans in the United States. They listed some 12 or 13 major American pension plans, all of which, for reasons very similar to the build-up of the surplus in the federal government pension plan, have significant surpluses.

Under U.S. pension law for defined benefit plans, that surplus belongs to the employer. That is essentially the same position that the federal government is taking with this bill. It is also a situation which applies to defined benefit plans in Canada unless the defined benefit plan has a particular type of trust arrangement. That does not exist in this case. If it did, a different set of rules would apply.

Therefore, honourable senators, in terms of the surplus issue, we must understand two very simple principles: First, since all of the risk, all of the down side, associated with the fund being short of money was borne by the employer, then in fact all of the upside which arises when the plan is in a surplus position should also belong to the employer. That position is not unique to this case. As I have said, it applies in private-sector plans with similar characteristics, not only in Canada but, to use yesterday's *Wall Street Journal* example, it exists in the United States as well.

That leads to the second issue I wish to address, which is how the investment board should be managed. What should be the role of the board? What should be its governance structure? Those are important questions. From a public policy standpoint, there is a major departure taking place in this piece of legislation from the way in which government employee pension funds have historically been managed in Canada. Historically, the so-called fund was in large measure a notional fund. In large measure, the contributions came into the government and there was no separate bank account into which these funds went. They came into the Government of Canada and the value of the fund was increased. From an investment standpoint, it was increased using essentially a bond-indexing formula to determine how much interest the fund would have earned in a given year had it been invested, in fact, in private-sector markets.

Bill C-78 proposes to create a private-sector investment board which will have the authority to take employee and employer contributions alike and invest them in private markets. In this sense, the bill reflects what currently exists in a number of provinces with respect to public employees. One thinks, for example, of the Ontario Teachers Pension Fund, a fund to which teachers and their employers contribute. Those funds are managed by the Ontario Teachers Pension Fund Board. Similar kinds of boards exist for a variety of other public-sector employees across the country.

Indeed, as honourable senators will recall, in December of 1998 this house passed a bill which set up a Canada Pension Plan

Investment Board whose responsibility it would be to manage the funds in the future going into the Canada Pension Plan. In other words, the clear trend in the public sector — again not unique through this bill — is to move to a situation in which public sector pension funds, those funds contributed to by public-sector employer and employees, are placed in a separate fund, managed by an independent board with the responsibility and the right to invest those funds in the private bond and equity markets, subject to the kinds of constraints on any other pension fund.

In the nature of that investment system, the question is: What governance rules should apply to the fund? We were told, both by government witnesses and in some excellent testimony from unions and employee associations, that there had been lengthy negotiations on the governance of this fund and on what role, if any, employees should have in its governance. Those negotiations ultimately fell apart. The evidence would suggest that they fell apart on the issue of who owns the surplus and not on the issue of the appropriate governance structure.

Witnesses from both the Treasury Board and the employees' side indicated very strongly that they felt it would be possible, even with this bill in place, to continue negotiations and to very rapidly develop a joint management structure with the input from the employees and the employer. The structure would have both risk-sharing and surplus-sharing elements.

In other words, as part of the management structure, it would be understood that, in the future, if the fund was in a deficit position, the deficit would be made up through equal contributions or, perhaps more likely, a 60-40 formula. The historical ratio going into pension funds has been 60 per cent from the employer, to 40 per cent from the employees. In any event, by some negotiated formula, future deficits would be shared between the employee and the employer. Similarly, future surpluses would be shared.

As I say, honourable senators, the committee got very strong indications, which are reflected in the committee's observations printed in yesterday's *Journals of the Senate*, that it should be fairly easy to reach a reasonably quick conclusion on the best joint management structure with joint risk-taking. The committee felt very strongly and, I think it is fair to say, unanimously that such a joint management and joint risk-sharing structure was a critical element of public-sector pension plan management in the future.

In light of the testimony we have received, the committee intends to call the President of the Treasury Board and the heads of the major employee associations and unions to appear before the committee before the end of the year in order to bring us up-to-date on the extent to which negotiations are continuing, and to keep us up-to-date on how negotiations are proceeding. We believe that, by continuing to make this a public issue and by continuing to allow a public airing of views on the question, we can use some of the persuasive pressure of the Banking Committee to ultimately develop a situation in which such a risk-sharing and joint management structure is put in place.

• (1410)

Honourable senators, on that issue, frankly, I am optimistic that it will be settled before the end of the year. Therefore, the structure of the management of the Public Service Investment Board will change fairly rapidly.

The third issue which came before the committee on which we had three or four witnesses was that of the extension of death benefits to same-sex partners in a conjugal relationship. There were two different criticisms of this particular provision. One was the question of whether survivors' benefits ought to apply to anyone other than a couple in a heterosexual relationship.

The predominant view expressed by several witnesses was that the provision in this act, while consistent with the recent Supreme Court decision in the so-called *M. v. H.* case, does not go far enough. There are many situations of dependence in Canada in which someone is looking after, for example, an aged parent. That individual may be the aged parent's son or daughter or aunt or sister or whomever. That caregiver ought to have the right to receive survivor's benefits in the terms of a normal pension plan. That right should not simply be limited, as it is in this act, to cases of partnerships of the kind described in the act.

The committee again had a considerable amount of sympathy with that point of view. For that reason, one of the recommendations in our observations in the report is that the Treasury Board address that issue and find ways of broadening the definition of "dependent," and thereby broadening the definition of who is entitled to survivors' benefits beyond the more narrow definition contained in this act. The committee sees what is in this act as the first step in a two-step process, the second step being to broaden it to a much greater range of potential caregivers.

Finally, honourable senators, the fourth issue on which the committee heard a significant amount of evidence was the extent to which stakeholder consultation was not adequate. This particular piece of criticism came from both the representatives of the RCMP association and the representatives of some of the military organizations. They are not allowed under the law to form unions and therefore do not necessarily fit into the formal structure of union-management relationships. They, at least on the basis of the evidence before the committee, would like to leave us with the feeling that they were not as consulted as they should have been. They were not as plugged into the ongoing negotiation process as they should have been.

The committee had some considerable concerns about this, even though they are a relatively small portion of the total number of people affected by this bill. The fact that a group of people happens to be small or the fact they cannot form a union should not in any way mean that they be treated any differently than any other group of public servants. Therefore, in our report, we have said that when the negotiations proceed, very shortly we hope, on the development of a new management structure and a new risk-sharing structure for the Public Sector Pension

Investment Plan, it is critical that the government ensure that all employee groups, regardless of whether they are represented by formal unions, have an opportunity to participate in those negotiations. That is one of the issues that the committee will be monitoring closely when it holds further hearings on this issue in the fall.

Honourable senators, by way of summary, this bill has been reported without amendment but with a clear recognition that there are some things in the bill which are of concern. We believe they can be settled more easily once the issue of the ownership of the current surplus is settled, as it will be settled by this bill.

With respect to the ownership of the pension surplus, the proposal in this bill is consistent with the way in which surpluses in defined-benefit plans are handled elsewhere, both in Canada and the United States, and perhaps elsewhere in the world. Therefore, honourable senators, we believe that the government has the right to the surplus.

Honourable senators, I have touched on the main items commented on by both Senator Stratton and Senator Tkachuk in their second reading speeches and also by the committee in its observations, which I would urge senators to read. They are attached to yesterday's *Journals of the Senate*. I am happy to answer any questions with respect to this bill. I look forward to closing the debate after some of my colleagues on the other side have had an opportunity to speak to it.

Hon. Gerry St. Germain: Honourable senators, my question is to the Chairman of the Standing Senate Committee on Banking, Trade and Commerce, and it relates to the question of same-sex benefits.

The honourable senator said that this is a first step. What guarantees are there that this will be treated in a manner that reflects fairness to everyone in our society? It took the Nisga'a 122 years to arrive at their agreement. What guarantees are there that people will be treated fairly? The pressure group that is pushing the issue as written in the bill certainly has never been an advocate of providing benefits to brothers and sisters, mothers and daughters. The honourable senator seems to want the world to trust the government. On what basis does he want this trust factor to go forward?

Senator Kirby: The honourable senator is quite right that I made the observation that I thought this was the first step in a two-step process. I think the committee is adamant that it should be the first step in a two-step process.

However, even if it was not the first step in a two-step process, the reality is that this change is required as a result of the recent Supreme Court decision in *M. v. H.* This change is essentially a court-mandated change. If this change is not in the bill, it will clearly be challenged. As I understand the legal opinions, the *M and H* decision in the Supreme Court would lead to same-sex benefits being included in this bill.

The more important question the honourable senator has raised is the need for organizations and bodies like this one to continue to push for the second step. It is the second step that will broaden the survivor's benefit notion of a pension plan. It was always designed to ensure that the caregiver of someone who passed away would be compensated because the process of giving care had taken them out of the market-place and the employment workplace. It is not a guarantee, but if we continue to press that issue, I hope we will get it solved.

The particular section on same-sex benefits is required in any event.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the honourable senator has referred to a court case. Can the senator tell us whether, in that decision, the phrase "conjugal partner" is used?

Senator Kirby: That is a wonderful question for a non-lawyer to ask a non-lawyer. I am not sure whether that is the exact phrase, I would have to check. The honourable senator cannot expect me to remember that off the bat.

• (1420)

We have been told that this particular section of the bill is required in order to meet the spirit of that court decision. I cannot give you a legal ruling on that because I am not a lawyer, but that is the advice that the committee received.

Senator Kinsella: Your report contains the heading "Survival Benefits for Conjugal Partners of the Same Sex." What do the words "conjugal partner" mean in this report?

Senator Kirby: I think you are asking whether we need the word "conjugal," or whether one just says "same-sex partners."

Senator Kinsella: What do you mean by that?

Senator Kirby: Do you mean to ask what the committee means by it, as opposed to singling me out? By that, the committee meant exactly what was meant in the Supreme Court decision, which said that if a couple, whether of the same sex or the opposite sex, whether married or not married, had presented themselves as a partnership on an ongoing basis for a period of time publicly, that is what defines the partnership and legitimizes the notion of support.

If your question is: Could we have written that section without using the word "conjugal," the answer is that we probably could have done so. However, we simply tried to use the terminology that all the witnesses had used in giving evidence before the committee.

Senator Kinsella: Consequently, if you see that there is some faultiness in accuracy of language by using that adjective "conjugal," then the report would be improved by having it amended to drop that term.

Is the issue one of dealing with same-sex benefits, with which I have no difficulty?

Senator Kirby: The answer to the question is "yes."

Senator Kinsella: Therefore, you would accept an amendment to the report to delete that term?

Senator Kirby: If you wish to amend the report to take the word "conjugal" out of the observations to the report —

Hon. Sharon Carstairs (Deputy Leader of the Government): That should have been done yesterday, honourable senators.

Senator Kinsella: Why would I do it yesterday? It has just been presented here.

Senator Kirby: The short answer to your question about the essence of the same-sex benefits is "yes."

Hon. Marcel Prud'homme: Honourable senators, the question was raised by Senators St. Germain and Kinsella regarding the same-sex benefit. Years ago, I read a document from Treasury Board that was marked "confidential." I never believed in that, but it was circulated in the Senate to some senators. By mistake, perhaps, I got a copy, so I read it. That document was very interesting. It stated clearly that, "We may have no problem in solving the question of same-sex benefits, but we hope that the question of brothers and sisters, among many other things, will not be raised, because then we have no answer."

Today, in France, there is a vigorous debate going on between the l'Assemblée nationale and the Senate on this exact question that could be extended to mean two people who do not necessarily live in a conjugal way. Everyone seems to point their finger and ask whether or not that is affecting him or her. I do not care.

Everyone knows that I am 65 years old and that I have lived with my family all my life. I live with my sister, but I am not alone here, even in the Senate. Some people live with their mother and they take care of each other. Others live with their brothers and they take good care of each other. I have no objection to what is taking place at the Supreme Court, unlike Senator Kinsella and Senator Lynch-Staunton and anyone else who may wish to speak about this matter, but what will it take for everyone to have the same treatment?

I am not concerned about myself. I raised this matter in the area of Montreal that I used to represent. I conducted a poll on one street in that area, which is highly populated. I can switch to French, but many people do not understand French here and they do not switch. That means that I am speaking to myself. I make mistakes in English, but I do not care. I do not correct my speeches.

I wish to ask the honourable senator the following, namely, does that require court action? Is that the route that must be taken? On that street, seven inhabitants of that area were affected. That is to say, they were either brothers or sisters living together in that area. I live in an old district of Montreal. They told me, "I have a nephew or a niece who lives in a same-sex relationship and life has changed. What about us?" I have no answer for them.

Can you kindly help me out in our reflection here today? You have already touched upon it and I like your sensitivity, but give us more.

Senator Kirby: I do not know that I can give you more. You are asking if I have an answer. The answer is that I do not have an answer. I have said that this report states that we recognize this as a significant problem, and we recognize that it is an issue that needs to be dealt with, sooner rather than later, by governments — not merely the federal government but by governments in general. Your example is a wonderful one. We had some examples before the committee of exactly the same thing.

The committee certainly hopes that this is the first step in a two-step process, which would deal, ultimately, with settling the issue you raised. We are very sympathetic to the issue you raised.

Senator St. Germain: Honourable senators, my supplementary question is directed to the honourable senator. He paraphrases what the Supreme Court has decided. Some of us do not necessarily believe in same-sex benefits, and I would like that to appear on the record as well.

Does the committee — that is, since the honourable senator does not want to be addressed as an individual — that the honourable senator represents and speaks for today not see a desire for leadership here? The fact is that the courts may have decided as they have, but that does not necessarily mean to say that they are right. Supremacy resides in this place and in the other place. This is the ultimate court in this land, not the Supreme Court of Canada. I understand that, with our new Charter of Rights and Freedoms, things have changed. However, I see it from the perspective that this is the court of last resort. By "this" I mean the House of Commons and the Senate.

Does Senator Kirby not see a requirement for leadership on the part of the parliamentary process to give guidance to the court system so that we, and not the courts, control the destiny of the nation?

Senator Kirby: Honourable senators, I have answered this question about four times. I have said that I understand the need for leadership by the parliamentary process, as well as by government. I have also said that the report states that the committee believes that government should seriously address the question of expanding the definition of "survivor" in terms of

survivor's benefits in the pension plan. The committee has said that. I do not know what more we can say by way of a report for leadership. We have recognized the issue.

• (1430)

Senator Prud'homme has provided excellent examples from the area in Montreal that was his riding. The committee clearly recognizes that there is a problem. It is the hope of the members of the committee that by raising this issue, there will be some discussion as to where it would be best addressed, whether with the Human Rights Committee or the Social Affairs Committee.

Clearly, the notion of further exploration and discussion of that issue is warranted. That is exactly why we put it in the report. What more do you expect of us?

Senator St. Germain: Why did the report not cover Senator Prud'homme's situation of brothers living together?

Senator Kirby: Let me be clear, Senator St. Germain; the report says that this is an issue with which government needs to deal.

What was very clear from the testimony before the committee was that this is a non-trivial problem in terms of deciding exactly what the phraseology is, to make that definition of "survivor" the definition that most of us would find reasonable. That is not something one can do overnight. That is a complex problem. It is also an expensive problem. When actuaries do their calculations for pension plans, they take into account not only how long the individual is anticipated to live, but also the extent to which the 60 per cent survivor benefit is likely to have to be paid. That was not a problem that we could solve in a short period of time.

We do recognize the problem. We have said that people ought to deal with it. I do not know what more the honourable senator expects of us.

Senator St. Germain: I would have preferred amendments to the proposed legislation. I know that the expansion of the definition is an expensive path to follow. We are exploring an area that will be very costly to all taxpayers if it is totally opened up. However, if you take the first step, as you described it, some of us believe that those steps should be taken together, and not in isolation from one another.

Senator Kirby: That is a legitimate point with which the committee obviously did not agree.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I should like to get back to safer ground, for us, at any rate.

I wish to congratulate the committee for its thorough report, and the way in which Senator Kirby has interpreted it. It shows how well this place can do a job. When you compare what the other place did in regard to this bill, there is no comparison.

The report, however, cries out for at least one amendment. I am surprised that the committee did not go further. I am speaking about the joint pension management board. I understand, as the report says, that talks between Treasury Board and the major union broke down because the major union would not give up its claim to part of the pension surplus. The government used that argument to discontinue discussions in regard to the creation of the board. Whether or not we accept that argument, it now appears that the government is willing to re-enter discussions with the public service union, which it is hoped will lead to the creation of a joint pension management board.

In conclusion, on that issue, the report recommends that the Treasury Board immediately resume discussions, meaning "right now." Whereas, in the minister's letter he simply states:

It is my firm belief that it is in the best interests of both plan members and the government as employer to have a jointly managed pension arrangement...

He also indicated that discussions would take place as soon as possible.

Both sides seem to agree on the creation of the board, although not necessarily on the timing of the discussions. I do not know why the committee did not recommend an amendment which would force the creation of the board and have it included in the bill, unless it is there and I have not seen it.

Senator Kirby: That is a very reasonable question. The difficulty with imposing a joint management board is that an integral part of a joint management board is also a joint risk-sharing of the deficit and sharing of the surplus. It is my understanding, from testimony given by the minister before the committee, that the government was not prepared to impose on its employees a requirement to bear part of the risk should the plan be in a deficit position in the future. The government felt that that potential cost to employees could only occur with the approval in advance of the employees. That was the reason for the negotiation. Therefore, since a key element of a joint management board is that both sides not only have a share of the surplus but also a share of the deficits, if the government were not prepared to enforce the potential cost of sharing the deficits upon employees, both the government and the committee felt that we should not do that, either. Therefore, we were not prepared to proceed in that fashion.

The nature of the exact formula by which the sharing of risks and surpluses will occur is something that obviously needs to be negotiated. A simple example of that would be: Is the sharing of risks and surpluses 50-50? Is it, as has historically been the case with public service pension plans, that the employer paid traditionally 60 per cent of the cost and the employee paid 40 per cent? At the present moment, the employee is paying 31 per cent and the employer is paying 69 per cent.

The reluctance to impose, by legislation rather than agreement, an additional cost on employees would have resulted in introducing an amendment to force the issue of a joint

management board. That led the committee to urge that it be done, but we did not move an amendment. Nevertheless, we seriously discussed the question of whether that amendment was desirable.

Senator Lynch-Staunton: My other question is, the senator did mention in his remarks — and it is alluded to indirectly in the report — that both the Canadian Armed Forces and the Royal Canadian Mounted Police personnel affected, because they do not negotiate and are not recognized at a negotiating table, have been pretty well left out of this discussion. They have been somewhat secondary to the discussion. The senator did say that they are not large in numbers or dollars. However, they are still directly affected.

Will they be part of the discussions with Treasury Board, or will they just be tacked on to whatever agreement comes out of the discussions between the Public Service Alliance and the government?

Senator Kirby: With regard to the RCMP and the Defence group, in particular, and their negotiations with the government, there was some conflicting evidence as to the extent to which they had been consulted. Both sides would agree that they were not absolutely full partners at all the meetings. There is some debate as to whether or not some of the discussions constituted adequate consultation. However, the committee's view is that those groups must be included for exactly the reason that the Leader of the Opposition has suggested.

The committee intends to pursue this issue vigorously in the fall. We will not only ensure that the President of the Treasury Board comes before us, but that any of the employee organizations have that right as well. We will do everything in our power to ensure that those groups are included, because your point is well taken: The fact that a particular group, for essential service reasons, is prevented from becoming a fully qualified union, and the fact that they may be small in number, should in no way impinge on the importance of recognizing that they are a group of public servants whose views need to be taken into account. We made that clear in the report. We have made that clear to the minister.

My hope is that the government will take that seriously when the time comes to commence these discussions. If they do not, I can tell you, on behalf of the committee, unanimously, that we are more than prepared to intervene to ensure that the government becomes involved.

• (1440)

Senator Lynch-Staunton: Finally, would the chairman of the committee agree that the discussions might be accelerated and come to a speedier satisfactory conclusion if this bill were not passed? I see no urgency to pass this bill. There may be some but I have not found it. I suggest that, if we did not pass it but let it lie over the summer, we would alert the government that the bill will not be given final approval until those discussions are held and reach a satisfactory agreement. I sense that, if the bill is passed now, those discussions may be prolonged indefinitely.

Senator Kirby: Again, honourable senators, that is a very good question. Let me try to respond. This is a little difficult because one must try to understand the position of the union leaders in entering into these negotiations. If the issue of who owns the current surplus is not resolved by legislation, I feel it would make it virtually impossible for a union to reach a conclusion on the issues of the governance of the plan and the sharing of future deficits and surpluses. This point was expressed very eloquently by a number of union leaders, and most particularly by Mr. Bean and Mr. Krause. To them, the primary issue of concern in this bill is the issue of the surplus. They said that, while looking to the future is important, they were reluctant to get into detailed discussions on the future until the current issue of the surplus was off the table. Therefore, my guess would be that it would be impossible to reach a conclusion on the management, the governance structure and the allocation of future surpluses and deficits until the issue of the current surplus has been dealt with categorically.

[Translation]

Hon. Roch Bolduc: Honourable senators, let us forget about the past and talk about the future. Why would employees and unions and employees' associations want to contribute to a system of shared responsibilities when they now have a guarantee? I do not see the advantage for them of switching over. Historically, their premiums have never gone up; the government has made up the difference.

[English]

Senator Kirby: Honourable senators, it may very well be that the employees do not want that, but I think, in fairness to Senator Bolduc, I should give one specific example, the Ontario teachers. Their union made a decision sometime in the last 18 months that, in order to have the advantage of being able to share in future surpluses, they were prepared to share in future potential deficits, provided they were given a significant influence on the management of the fund. That is a case of a group of public servants — they happen to be teachers — who, when faced with this alternative, decided to opt for it.

However, if the honourable senator's question is, supposing they do not agree, will the government continue to pay all the deficits, then I presume that is exactly the way it would be. That is certainly what the law says. There are recent Canadian examples which indicate that employees have been willing to accept the up and the down that goes with this kind of a solution.

[Translation]

Senator Bolduc: The two situations are very different. Current employees are starting from zero, while those in the Ontario pension fund already have a surplus in the billions. It is not the same at all.

[English]

Senator Kirby: Honourable senators, I would have to check exactly how the historical surplus was handled in the case of the

Ontario teachers, but I think you will find that all of the original surplus did not stay in the plan. A certain amount stayed in the plan, as a certain amount would have to stay in this plan, for actuarial reasons, but I think a significant amount of the surplus came out of that plan at the time of the changed management structure. I would have to check that but I believe that was the case.

[Translation]

Senator Bolduc: The bill is entitled:

[English]

An Act to establish the Public Sector Pension Investment Board.

[Translation]

In French, it reads: "L'Office d'investissement des régimes de pension."

[English]

Does that imply that there is only one fund or many?

Senator Kirby: There are currently many plans but only one fund. By that, I mean that there is a series of pieces of legislation, as enumerated in the long title of the bill, indicating that there are clearly several plans. Up until now, they have not been kept in a separate fund. The intent is to create, by this bill, a single pension fund which will manage several different pension plans, all of which are plans for different groups of public servants. That is the intent.

[Translation]

Senator Bolduc: In the event that some of these plans perform less well than others, will money from the common pot be used for a bailout, or will premiums be modified? It must not be forgotten that 60 per cent of these funds are funded with taxpayers' dollars.

[English]

Senator Kirby: Honourable senators, a number of the details of how the plan will be managed will have to be worked out by the pension board, but it is my understanding that the intent is to manage it as one single fund, even though in fact the assets technically will belong to different plans. Therefore, the problem the honourable senator raised about one fund being worth more or less than the other is not an issue because it will be essentially pooled resources.

Hon. Donald H. Oliver: Honourable senators, I have two questions. I would be grateful if the honourable senator would clarify them for me.

When responding to the last question from the Leader of the Opposition, Senator Kirby said that, if this bill did not pass, the unions would have difficulty dealing with the so-called question of the current surplus of \$30 billion.

My question is as follows: Was there not conflicting evidence before the Banking Committee about the lawsuits that are currently outstanding, and the effect of the passage of this bill on the lawsuits in relation to the surplus?

My second question relates to corporate governance. One of the questions Senator Kirby asked was: What governance rules should apply to this fund? He went on to explain how the joint management will likely be established as a result of negotiations. However, in the past, the Banking Committee has conducted a number of studies on the principles of corporate governance. Indeed, the Banking Committee has made recommendations to the government in relation to corporate governance, dealing with such things as appointment of directors, number of directors, training, competence, and so on.

How do the provisions of Bill C-78 follow the committee's previous recommendations with respect to corporate governance?

Senator Kirby: Honourable senators, on the first question, the honourable senator is quite right that, early on, there was some conflicting evidence on the issue of whether this bill had any impact on the outstanding court cases, but the final evidence we had was from Mr. Jolicoeur, the chief federal negotiator, and from the lawyer for Treasury Board, who made the observation that the court cases have nothing to do with the question of the surplus, but rather with the manner in which the actuarial assumptions lead to actuarial forecasts. As I understand it, the issue of the ownership of the surplus is not an issue in the court cases.

Senator Oliver: So those court cases would not be foreclosed by this?

Senator Kirby: It is my understanding — in fact we were categorically told — that those court cases were not foreclosed.

On the second question, as to the extent to which the management board in this report matches the recommendations the committee made — and I suspect the honourable senator means the ones we made on CPP — there is a significant amount of similarity, although there are some relatively minor differences.

• (1450)

The committee focused on the issue of trying to get beyond the type of board that exists with the CPP to a joint employee-employer board with risk-sharing. At one point I had a list — which I would be happy to provide to the honourable senator before tomorrow — of all the similarities and the relatively minor differences. It is quite similar to the CPP board. The question was whether it is similar to the recommendations we have made.

There are some differences, just as there are differences on the CPP board. However, when the CPP board was set up at the end of last year, there was an agreement that there be a statutory review within three years, and that it be done by the committee. Second, there was an agreement that a response to the differences between our recommendations and the governance of the CPP board would be forthcoming at the time of that review.

This board, in fact, is very similar to the CPP board. To that extent the honourable senator is quite right in asking whether it mirrors all of our recommendations on the CPP board, and the answer is "no." That is one of the reasons that we talk, in our observations section of the report, about ensuring there is a statutory review in three years. We would like to get back at this board the same way we got back at the CPP issue.

Hon. Joyce Fairbairn: Honourable senators, over the period of time that this bill has been in circulation, many of us in this chamber have been approached by members of the superannuate organizations and individual Canadians. In some cases the concern has been about the future of their plan. On the other hand, there has been a desire to have a different approach to the sharing of the surplus. In the hearings, was the committee able to assuage some of that concern? With respect to the question of the surplus, did you come any closer to agreement?

Senator Kirby: Honourable senators, I do not know if we were able to assuage the concerns. It is certainly true that we heard some excellent witnesses from retirees' associations, existing superannuates, if you will. The fact of the matter is that they are under a defined benefit plan. They have a commitment or an explicit contract with the government to pay those future pensions according to the formula under which they retired. There was never any suggestion, even from the unions, that any of those benefits were at risk in any way, shape or form.

All the evidence before the committee was to the effect that this was not a real issue, although I think everyone understood the degree of unease of some of the superannuate organizations. We tried to meet their concerns, or at least to assuage them. It is hard to tell whether one was successful, but one can state categorically that there is no risk whatsoever to anyone currently on pension.

Hon. Anne C. Cools: Honourable senators, I rise to speak to the third reading of Bill C-78. I shall limit my remarks to this clause 75, which replaces section 25 of the Public Service Superannuation Act. Under the heading "Payments to Survivors, Children and Other Beneficiaries" the new section 25(4) states:

For the purposes of this Part, when a person establishes that he or she was cohabiting in a relationship of a conjugal nature with the contributor for at least one year immediately before the death of the contributor, the person is considered to be the survivor of the contributor.

The important words are "relationship of a conjugal nature."

I note that Bill C-78, clause 75, does not say "a conjugal relationship," but states rather "a relationship of a conjugal nature." By this poorly conceptualized and ineptly drafted phrase "relationship of a conjugal nature," Bill C-78, a bill establishing the Public Sector Pension Investment Board, enacts survivor benefit pensions to same-sex partners. It fails to legislate adequate treatment for homosexual persons. It fails to protect the institution of marriage. It is the duty of Parliament to uphold and protect marriage and to legislate accordingly.

Honourable senators, I wish to challenge senators and the government to review the manner in which this government has advanced and proceeded with these questions. We owe these issues a full and comprehensive examination and debate in Parliament, where the legal, political, philosophical and moral questions can be heard, considered, debated and decided. We have a duty to do so. In contrast, the courts have had a free hand, and have romped and galloped into political and policy areas which are not theirs. The courts are not the proper fora for these decisions. The public's unhappiness with judicial activism is palpable, and the results are unsatisfactory.

Parliament must insist that proper and adequate legislation be enacted to meet these challenges. This matter, buried deep in these few clauses in this 200-page bill, was before the Standing Senate Committee on Banking, Trade and Commerce chaired by Senator Michael Kirby, who, as always, did an excellent job.

Honourable senators, Iain Benson, a constitutional lawyer and Senior Research Fellow at the Centre for Renewal of Public Policy, appeared before the Standing Senate Committee on Banking, Trade and Commerce on June 9, 1999. In his testimony about clause 75 of Bill C-78, he said:

I wish to comment on the question of the processes by which the matters central to our common good are dealt with in Canada at the moment. Mr. Chairman, and honourable senators, I am gravely concerned by what I see. We are witnessing, with respect to certain foundational notions in our culture, not the coordinated thoughtful processes of ordered government that mark a civil society, but the piecemeal, fragmented patchwork approach that testifies to indecision, fear, lack of clarity and even political cowardice.

What is needed is leadership. It is the role of every man and woman who has taken an elected office, or the appointed office of this chamber, to exercise that leadership. I say that with great respect. It is leadership and vision I am asking you as a concerned citizen of Canada to consider tonight. It is an aspect of this bill that has only received the slightest attention prior to being reviewed by this committee that provides the general context for my comments. The surrounding years of litigation and public debate provide the specifics.

Mr. Benson spoke to the fundamental notion of our society and of the thoughtful processes of ordered government in civil society. He referred to the years of litigation.

Another witness, Gwen Landolt, lawyer and Vice-President of Real Women of Canada, appeared before that committee also on June 9, 1999. She provided the committee with an analysis of the litigation and judgments around same-sex benefits. These cases included the 1999 Supreme Court of Canada's *M. v. H.*, the 1995 Supreme Court's *Egan and Nesbit v. Canada*, the 1998 Ontario Court of Appeal's *Rosenberg and Evans v. Canada*, and the 1980 Ontario District Court's *Molodowich v. Penttinen*. She also cited the definitive case on marriage, the United Kingdom's 1866 case of *Hyde v. Hyde*. Both witnesses asserted that the term "conjugal" is a matrimonial term and that sex alone is not an adequate basis on which to found the notion of entitlement to survivor benefits. Mrs. Landolt said that the concept of "no sex no benefits" was unworthy.

• (1500)

Honourable senators, this issue, same-sex pension benefits, was responded to by the Minister of Justice, Anne McLellan, in the Senate eight months ago, in her testimony before another Senate committee, the Standing Senate Committee on Legal and Constitutional Affairs. At that time, the bill before that committee was Bill C-37, to amend the Judges Act, in particular its clause 1. That clause was immortalized by former Supreme Court Justice Willard Estey who described it as the "harem clause" because it would have allowed justices to have two surviving spouses concurrently. I called it the "double-spouse clause."

Minister McLellan appeared before that committee on September 23, 1998. She responded to Senator Serge Joyal about including same-sex pension benefits for judges in that clause. Senator Joyal wished her to amend clause 1 in Bill C-37 to include same-sex spouses. In declining to include same-sex benefits at that time in that clause, Minister McLellan said:

I will be very candid: This government's expressed approach to this is that we will deal with every case on a case-by-case basis. The court has said that it will take a similar approach. However, I would remind honourable senators — and I said this in response to Senator Bryden — that we are doing policy work that potentially speaks to a fundamental change to whom benefits might be extended within Canadian society, at least within the federal jurisdiction, and that we do not want to restrict ourselves to a discussion simply of same sex or opposite sex, but to consider a more legitimate question in Canadian society which is one of true dependency. When that work is done, as I have already indicated, we may return to both you and the House of Commons with an omnibus piece of legislation which will deal with the extension of benefits and entitlements of one sort or another on the basis of dependency. That work is well on its way, and my colleagues and I will be talking about it in detail starting next week.

That was eight months ago when the minister spoke to Bill C-37. We now have Bill C-78 before us. Certainly Minister McLellan and the cabinet could have fixed this problem and these insufficiencies and the question of dependencies within Bill C-78. The government must simply find a way to accommodate the concerns and interests of homosexual persons to pension benefits without any further diminution of marriage. The government must cease manipulating the words and the accompanying legal meaning of the words "man," "woman," "husband," "wife," "marriage," "spouse," and now "conjugal."

Honourable senators, the legal and definitional manipulation, so rampant in the courts and in government, is cruel, divisive, prejudiced and unnecessary. The term "conjugal relationship" is a marital or matrimonial term, and "marriage" means between a man and a woman. Marriage was originally a sacrament of the Roman Catholic Church and was originally proscribed by canon law, later underwritten by civil and statute law. In the "Solemnization of Marriage Service" in the Anglican Church's prayer book, the 1549 Book of Common Prayers, it states, in part at page 564:

Matrimony was ordained for the hallowing of the union betwixt man and woman; for the procreation of children to be brought up in the fear and nurture of the Lord; and for the mutual society, help, and comfort, that the one ought to have of the other, in both prosperity and adversity.

This concept of marriage must no longer be diminished and undermined. I shall return to the words "mutual society, help, and comfort" later.

Honourable senators, I would like to record some dictionary definitions of the word "conjugal" and the plain meaning of the word, and explain the word's origins. The *New Shorter Oxford English Dictionary* defines conjugal as:

...of or relating to marriage, matrimonial; of or pertaining to a husband or wife in their relationship to each other.

The term conjugal has its genesis in the Latin term *coniugalis* or *conjugalis* — in Latin, "I's replace "J's" — a Latin word that means "relating to marriage." There are several Latin words for marriage. They include *coniugium*, *matrimonium*, *nuptiae*, *conubium*, and *consortium*. Translated into English, these terms mean, respectively, conjugal, matrimonial, nuptial, connubial, and consortium, and all are expressions of the several discreet dimensions and elements of marriage.

The celebratory festival itself was the *nuptiae*, nuptials; the conjugal was the obligation to bring forth offspring in marriage; the consortium was the right and duty to sexual performance of one partner to the other; and the *matrimonium* being the several obligations pledged to each other and to the *familia*.

Every act of sex is not a conjugal act. Neither is every sexual bed a conjugal bed. Nor is every act of sex a relationship.

Undoubtedly, a conjugal relationship's unmistakable and defining characteristic is the pledge to bring forth issue, offspring, children, in marriage. For centuries, the weight of jurisprudence and law has supported this.

The recent Supreme Court of Canada decision in *M. v. H.* held that section 29 of the Ontario Family Law Act, the spousal definition provision that included a common-law spouse, should also be extended to same-sex partners. However, the Supreme Court judgment claimed that it was not touching the issue of marriage in *M. v. H.*, while in its *Nesbit and Egan v. Canada* judgment it said that marriage was not discriminatory and is still in force. Senators should note that the Ontario Family Law Act and its predecessor act, the Family Law Reform Act, whose predecessor was the Deserted Wives' and Children's Maintenance Act, were all intended to strengthen marriage. The long title of the Family Law Reform Act, 1978, which repealed and replaced the Deserted Wives' and Children's Maintenance Act, was "an Act to reform the Law respecting Property Rights and Support Obligations between married Persons and in other Family Relationships." The current Family Law Act still upholds and defends marriage, and states:

Whereas it is desirable to encourage and strengthen the role of the family; and whereas for that purpose it is necessary to recognize the equal position of spouses as individuals within marriage and to recognize marriage as a form of partnership; and whereas in support of such recognition it is necessary to provide in law for the orderly and equitable settlement of the affairs of the spouses upon the breakdown of the partnership, and to provide for other mutual obligations in family relationships, including the equitable sharing by parents of responsibility for their children;

Honourable senators, one of the most beautiful and best articulations of conjugality I have been able to find is in the Roman Catholic Church's book, *Catechism of the Catholic Church*. Under the heading, "The Goods and Requirements of Conjugal Love," it states at page 368:

Conjugal love involves a totality, in which all the elements of the person enter, appeal of the body and instinct, power of feeling and affectivity, aspiration of the spirit and of will. It aims at a deeply personal unity, a unity that, beyond union in one flesh, leads to forming one heart and soul; it demands *indissolubility* and *faithfulness* in definitive mutual giving; and it is open to *fertility*.

• (1510)

I repeat, fertility — the commitment to bring forth children, this unique, miraculous product of the union of two opposites, a man and a woman.

This concept of marriage has been arbitrarily eroded by certain judicial activists in our courts. The issue of judicial activism is a social issue in Canada. I note that on July 1, 1999, a conference entitled "Legal Recognition of Same-Sex Partnerships: A Conference on National, European, and International Law" will be held at the University of London in the United Kingdom. I note that it will feature Supreme Court of Canada Madam Justice Claire L'Heureux-Dubé among its panelists.

Honourable senators, the issue is pension benefits, not acts of sex, not acts of sex-like activities. The issue is pension benefits. The heart of the issue is the manner in which obligations are made and assumed in human relationships and the manner in which governments and Parliament stand behind those obligations as they are made. That is the heart of the question.

Grounding pension obligations in sexual acts, in sex-like acts or in activities of a sexual nature, is surely doomed because such grounding is unsupported by human nature, by intellectual concept, by moral precepts or even common sense. Sex does not a relationship make. Sex does not a commitment make. Sex does not an obligation make.

We must remind ourselves that, in point of fact, pensions enter most relationships at the stage of life when sex is not dominant, when the natural sex drive is diminishing for all and mostly over for some.

The Government of Canada, in Bill C-78, has failed marriage and has also failed homosexual persons. The government should have found a better way legislatively to accommodate the concerns of homosexual people and of all relationships of economic interdependence and dependency without supporting any assault on marriage.

Senator Kinsella: Would the honourable senator entertain a question?

In the report that we are examining, as contained in the *Journals of the Senate* today on page 1755, there is a heading just before the conclusion of the report, "Survivor Benefits for Conjugal Partners of the Same Sex."

I had asked the chair of the committee for his definition of that phrase. Would the Honourable Senator Cools care to comment on whether or not she finds that phrase, "conjugal partners," contentious? Does she think it should be deleted from the report?

Senator Cools: I thank the Honourable Senator Kinsella for his question.

I am not too sure how one goes about deleting from a report once it has been adopted by the chamber, so I will not answer the questions that speak to the procedural issues of the report itself. I shall speak to the substantive issues, though.

I also note that the honourable senator had asked Senator Michael Kirby about the term "conjugal relationship" and

whether that term had been used in the Supreme Court decision *M. v. H.*, as it is commonly called.

The term "conjugal relationship" was not used in *M. v. H.* *M. v. H.* was decided on the issue of spousal support. Section 29 of the Ontario Family Law Act allows claims to be made for common-law spouses. *M. v. H.* concerned itself with the issues of section 29 of the family law, but it did not use the word "conjugal."

In point of fact, the term "conjugal" is not binding on this government at all. The only case law that included the term "conjugal" is *Rosenberg*, which was decided by Madam Justice Rosalie Abella. In reference to other cases, Madam Justice Abella declared that those other cases were wrongly decided and that she would decide on her own this particular instance of *Rosenberg*.

The peculiar thing that jurists and the legal minds of this chamber should be pondering is that *Rosenberg* is a provincial case that never went to the Supreme Court of Canada. As such, it is not binding on the Government of Canada in any form or fashion. It is something of a stretch of the imagination, a little leap into politics to suggest that that particular judgment must be followed or adhered to.

Coming now to the honourable senator's particular question regarding page 1755 of today's *Journals of the Senate* and the heading, "Survivor Benefits for Conjugal Partners of the Same Sex," I did make an express point at the beginning of my speech that even the drafting of the bill itself is insufficient. The bill does not say "conjugal partners." It does not say "conjugal relationship." Bill C-78 says clearly "a relationship of a conjugal nature."

If I had been drafting that report, I would not have drafted it in that way. The real question hovers around what I have said in my speech. First, the debate has never really unfolded in this chamber. It is time for us to bring on the debate, and that is why I welcome it. The real issue revolves around the definition of the word "conjugal." This particular less-than-adequate articulation as embodied in Bill C-78 is an open-ended invitation for endless litigation.

Some people will say, "That is fine; leave it to the courts." That is always an unsatisfactory response. It is our bounden duty to legislate clearly and without ambiguity, especially in the area of pension benefits.

• (1520)

I would add to Senator Kinsella's concern that, for those of us who are watchers and readers of these judgments — and I invite every senator to do so — the courts have been on a ruthless, uninterrupted, one-way street towards striking down marriage. I decided to speak to this issue today because I sincerely believe it is a process that must be arrested.

I know that Senator Kinsella has been very protective of homosexual people from persecution, prosecution and violation. I remember some of the initiatives that he has taken. It is very troubling and problematic that, on this issue, debate is truncated because so many people live in fear of being accused of an "ism" or a "phobia" of some kind. Consequently, many people who believe very deeply that marriage must be respected, just as homosexual people must be protected, are frequently trapped. It is a form of terrorism. It is a potent tool, a powerful instrument, to accuse anyone who raises a social concern or a criticism of an "ism."

As a black person, I know much about "isms." Had I been a member of that committee, I would have paid much more attention. I would have wanted to know, specifically and explicitly, why the Government of Canada employed those express words in drafting the legislation. Everyone who knows anything about parliamentary process or courts and government knows that a chamber cannot be too careful about drafting. As far as I am concerned, that bill was been drafted deliberately to intentionally invite a great deal of litigation.

Hon. Edward M. Lawson: Honourable senators, I have a number of concerns about this bill, particularly in the area of the surplus. By way of background, in my former life I negotiated pension plans, helped to create joint trustee pension plans, and dealt with grievances where there was no joint management of funds. I dealt with many cases where companies wanted to take a surplus that did not belong to them. We pursued those companies in court to make them put the money back.

There was a classic example here in Canada recently. An employer in this province found a \$60-million surplus. He thought it was his, and he took it out. The court ordered him to put it back. In that case, there was a union involved, and the money went to the rightful beneficiaries.

Perhaps the most glaring example of the abuse of pension funds was with respect to a steel company in the U.S. that went bankrupt. It had lots of assets in buildings and lands, et cetera. When it was in Chapter 11, its estimated value was \$500 million to \$600 million. When the bidding started, to everyone's surprise and shock, the successful bidder offered \$1 billion for the company's assets.

It then became known that there was a surplus of almost \$900 million in the pension fund. The buyer took that as his own, with no resistance from the beneficiaries, and used it to pay for the company. There was no attempt to find the beneficiaries who had given their working lives to the company. The new owner took that money as a matter of right.

In Senator St. Germain's questions to the chairman, he spoke about the minister saying "trust us." With the minister's record of legislating people back to work after they have reached an agreement, I do not have a lot of trust in him.

In common, I am sure, with most other senators, I have received many complaints from people in the military, the RCMP and the public service about unfair treatment. On their face, these appear to be very justified complaints. They have apparently not been resolved by management, which exclusively controls and manages the pension fund.

A headline in *The Vancouver Sun* of Sunday, June 5, caught my attention. Reporter Stephen Hume wrote an article headlined: "Widows of ex-Mounties have been abandoned." It reads:

Increasingly frail, many in their 80s, approximately 1,800 widows of rank-and-file RCMP veterans who served before 1949 when pension rules were revised are now abandoned by a government that exploited them like indentured servants.

Unlike other public servants, their husbands' meagre benefits don't cover surviving spouses. Ottawa justifies this by blaming dead veterans for imprudence, oblivious to the irony of voluntarily extending survivor benefits to same sex couples while ignoring elderly widows.

This callousness infuriates Harold Clark, retired in 1965 after 25 years service.

"We have senior officers' widows drawing two pensions and we have the aged widows of constables, women who served the RCMP for many years without any pay, who have no pensions at all," says Clark, a Victoria resident.

Wives in small rural detachments maintained the post, fed and cared for prisoners, put up visiting officers and ran communications while their husbands were on patrol. And if their husbands got killed in the line of duty? Bad luck.

"Some of our members were injured on duty — they would get a disability pension. But the pension dies with you, so their widows would be cut off... This is just an act of cruelty," Clark says. "There is a great disparity and injustice here."

This sorry mess dates back to an RCMP widows and orphans fund set up in 1934 and Ottawa's botched attempts to fix it. As the Manitoba division of the RCMP Veteran's Ladies Association pointed out in a 1985 brief to Ottawa, the pension scheme was unworkable from the start.

Lower ranks were paid such low wages — \$1.50 a day during the Depression — many couldn't afford to buy in after 1949 for past service. Those who did often had to withdraw money to pay for children's education or unexpected medical expenses.

"Voluntary" withdrawals forfeited all accrued interest. This means, Clark argues, that the fund behaved less like a pension than a sleazy tontine, rewarding those able to stay in with larger annuities as the number of subscribers dwindled.

"Parliament replaced one inequity — employer contributions to the officers' plan but not the NCOs and constables — with another — the legalized theft of the NCOs and constables accrued interest, but not the officers," Clark says.

"Many, many letters with respect to this disgrace have been written to the commissioner and members of Parliament," he points out. One notice from government advised pensioners to "spare your spouse this surprising and traumatic news" and warn her early that she'd be cut off.

There are many other examples. This one is parallel to what happened in the NHL. The Honourable Senator Frank Mahovlich will be aware of this. I was aware of it because I served as a director of the Vancouver Canucks hockey club. When there were six teams in the league, they established a pension plan. They paid the hockey players very poorly, but assured them that, since they would have a short career span, in most cases, they would have a very generous pension.

Honourable senators, they did not have a generous pension, but the employer said that they had a surplus. With the new players coming in and demanding higher pensions, they would take management's money, which was the surplus, and use it to pay the younger hockey players. Where did the management's money come from? It came from paying the players smaller salaries.

Long-serving players of that era received a pittance in pension. They took it to court. I sat on the board when the matter came before us. We said that the NHL was wrong, that it had no right to go to court, that the money belonged to the players. The players won the first round, the second round and the third round before the Supreme Court. They finally achieved some equity in their pensions.

I see no difference between that case and this. Here, there is a \$30-billion surplus. I do not know how the Liberal government can consider taking this. It can get the taxpayers on its side by saying that they will only be taking money from a few hundred thousand members of the RCMP, the military, and the public service, while the rest of the taxpayers will benefit because the deficit will be cut. This is nothing more than a sop to the masses in order for the government to steal the surplus. It is wrong.

• (1530)

The bill should say, "Before we touch a dime of the surplus, we will establish an independent, impartial committee that is

knowledgeable about and understands pensions, and we will review the RCMP widows and the others, the government employees, the military." Who is the business agent for the military? The general in charge? Who is the business agent for RCMP? The commissioner? Who will represent the people whose money this is?

If you ask any member of the government or cabinet during all of those years what those funds were for, they would say that it was a pension fund for the beneficiaries, the Mounties, the military, and the widows. That is what it is for. What happened? Why does it suddenly belong to us? If the government has such a guaranteed, legal right to it, why does it need legislation to take it? It could just be transferred internally. The government does not have a right to it.

The absolute minimum that would satisfy me would be to establish a committee of the Senate. In that way, experienced people who know and care about fairness and justice can ensure that every one of the beneficiaries has been fairly treated and has received their legal entitlement. Then, if there is a surplus, it can be dealt with beyond that.

The surplus should never leave the fund. There is a surplus today, but people are living longer and collecting benefits longer. It is only a matter of time before the fund could be in a deficit situation. A surplus in the fund would help to alleviate any potential deficit situation.

I cannot support this legislation. I cannot be party to taking what belongs to the beneficiaries. Until the government satisfies me that it has taken care of the people who rightfully are entitled to these funds, I cannot support the legislation.

Hon. Nicholas W. Taylor: Honourable senators, I wish to speak only on a small part of the bill, and my concern is similar to that of Senator Cools.

Here in the Senate, we pride ourselves on ensuring that the legislation is clear, well written, and thoroughly studied. Unfortunately, Bill C-78, in the state in which it is before us, is very unclear in its extension of survivor benefits to same-sex couples.

Clause 25(4) on page 51 of the bill reads:

For the purposes of this Part, when a person establishes that he or she was cohabiting in a relationship of a conjugal nature with the contributor for at least one year immediately before the death of the contributor, the person is considered to be a survivor of the contributor.

We know what "cohabiting" means, and we know what "one year" means, but what exactly does "conjugal" mean? In the other place, members debated this issue for hours without coming to a real conclusion. "Conjugal" is not defined in the bill. We are referred to the courts.

In the recent *M. v. H.* decision, the Supreme Court mentioned the following characteristics of a conjugal relationship. Let me first say, however, that I sometimes share Senator Cools' view of the court interpreting social progress, but to blame the court is wrong because we are the ones who make the laws. If the laws are not interpreted in the way in which we intended, we should change them.

The Supreme Court said that characteristic of conjugal relationship include the following:

...shared shelter, sexual and personal behaviour, services, social activities, economic support and children, as well as the societal perception as a couple...

In other words, it is much looser than what my colleague Senator Cools had said.

Would all of these characteristics have to be fulfilled in order for a relationship to be considered of a conjugal nature? The answer is most obviously "no." In other words, a sexual relationship, the phrase that is bothering some people, is not the only criteria and could easily be missing. The other criteria include perception as a couple, economic support, personal behaviour, and so on. Couples who are unable to have children and do have sexual relations can nonetheless be considered in a conjugal relationship. We are left to wonder how many of those characteristics would be judged sufficient and who would decide if they were present. How would a person, as described in the legislation, successfully establish that they have been in a relationship of a conjugal nature? The answer is far from clear.

We are also left to wonder why the sexual aspect of a relationship has anything to do with pensions or this bill. Trudeau once said that the government had no place in the bedrooms of the nation. Are we now saying that the government does have a place in the bedrooms of Canadian citizens? Is sexual activity an appropriate characteristic upon which to be allocating pension benefits? I would argue that the answer is "no," and I think that many senators would agree with me.

Even if one thought that the answer were "yes," what could a government possibly require as proof of a sexual relationship? I suppose a receipt from your Viagra dealer. We cannot put cameras in the bedrooms of Canadians or demand receipts. It is absurd to think that we would decide not only that sexual activity is an appropriate thing upon which to allocate survivor benefits, but also that it is something that we could realistically control or verify.

Honourable senators, this bill would make more sense if it did not include the word "conjugal" or any problems that accompany that word. Not only would we get out of the touchy issue of proof, but also it would allocate benefits on criteria that seem more essential to the pension benefits.

When a person buys life insurance, he or she can designate the beneficiary of their choice. Why should a contributor to pension

plan under Bill C-78 not have the same opportunity? What about the elderly woman being cared for by her daughter or the two brothers growing old together on the family farm? They are not relationships of a conjugal nature, but they are examples of caring, committed, dependent or interdependent relationships. Are they any less important or any less deserving of survivor benefits?

Mr. Tucker, the Secretary-General of the Canadian Human Rights Commission, said in a recent article in *The Globe and Mail* that he expects to start receiving complaints of discrimination from people in non-sexual relationships involving dependency. He points to the Human Rights Act, which does prohibit discrimination on the basis of family status. It is true that we should not discriminate against gay partners because of their sexual orientation, but neither should we discriminate against heterosexual roommates who have shared everything for years.

In Hawaii, they have found a solution. They have found a system that seems to work well. Unmarried citizens are free to name what they call "reciprocal beneficiaries." Thus, by making a formal declaration, gay partners could name each other, as could a widowed mother and her unmarried son. They circumvented the problems the words "conjugal relationship" would present, and extended benefits to other relationships as well. This system of a formal declaration is similar to that in Scandinavia, where they use the words "registered domestic partnership." Two political areas in the world have circumvented this problem.

It has been estimated that the extension of survivor benefits to the beneficiaries who are dependent upon but not necessarily sexually involved with contributors would cost approximately \$30 million annually in Canada. That sounds like a lot of money. However, honourable senators, the present pension plan has \$130 billion in it. Even if only 5 per cent per year were earned by this plan, the interest on that would be \$6.5 billion annually. Thus, for a mere one-thousandth of 1 per cent of the total pension growth each year, we can make this bill much clearer, much more sensible, and less discriminatory.

This bill has much to commend it; however, with some changes to the definition of "survivor," it could be much better.

Hon. Terry Stratton: Honourable senators, the debate on Bill C-78 has been full. Much has been said about the various issues. In the normal course, I would not need to speak to it; I could sit down. However, I will not. We must indicate where we on this side of the chamber are coming from.

• (1540)

Honourable senators, it is not unusual for a bill to come back from committee with a report that expresses concern both about the way the bill has been handled and the need to address several other matters arising from the bill. The committee did not amend the bill, but it had obvious problems with it.

Our mandate is to serve as a check against bad legislation conceived in haste by the government of the day and rushed through the House of Commons without proper scrutiny. Bill C-78 is just that: bad legislation that has been hastily drafted and rushed through the House of Commons without proper scrutiny.

I know that government senators are feeling pressure from their leadership to get this passed so that it does not die on the Order Paper should Parliament prorogue in the fall. I know you are feeling pressure not to accept amendments as, heaven forbid, the House of Commons would need to be recalled to deal with them. We have stayed a few extra days and members of the other place could come back, if they must. At the very least, this bill should be put on hold until after the summer so that the government can reflect upon both the testimony that has been presented and the report of the committee. In other words, let the minister live up to his word, which he gave in a letter to the chairman of the committee.

The problems with this bill are many. They have been talked about; however, I will repeat them and I will try and keep it brief.

First, there is the matter of the surplus. The government is exempting itself from the very law that it set out barely a year ago for the private sector through Bill S-3. That law simply states that if ownership of the surplus is not spelled out in the rules of the pension plan, the employer cannot touch it without the agreement of two-thirds of the plan members.

Not only has the government decided that this principle should not apply to itself, but by making the bill retroactive it will render moot the lawsuits now under way regarding the \$11 billion that it has already taken from the plan. Senator Kirby has stated and gave assurance to the contrary, but I still think it is a concern. I do not think we can take Senator Kirby's opinion for granted. If Mr. Jones, an ordinary guy, is suing Mr. Smith for breach of contract, Mr. Smith cannot win by changing the ground rules. He cannot win by rendering the object of the lawsuit non-litigable. Why should the government be any different? Is there not a moral principle here as well as a legal one? There must be. Senator Lawson has stated that, essentially, it is robbery.

Second, there is the issue of future surpluses. We have a surplus now because the actuaries were too cautious, with premiums set too high. Let us look ahead. There is nothing in the bill to stop the government from deliberately setting premiums too high in the future so that it can then strip the surplus. Not only is the actuary not independent — just ask the last one and look what happened to him — but the government can ignore the actuary when it sets the premiums. The committee said the joint pension board should decide what to do with any new surpluses. I hope the government is listening.

Third, the government has decided against a joint board to manage this plan, although almost everyone agrees that there should be one, including the committee. The President of the Treasury Board gave an undertaking to continue to try and come to agreement with the unions on a joint board. If there is a joint board, then accountability issues such as who audits the plan, investment rules, access to information, the skills of board members, the relationship of the board to the actuary, and so on, would be far less relevant. Board members would be ultimately responsible to the employer and to plan members for the decisions they make. Both sides would be responsible for the quality of those that they send to the board.

Fourth, because the board is exempt from the Access to Information Act, plan members would not have the right to demand information, for example, about the cost of those January junkets to Jamaica. They could not get information like that. Indeed, witnesses said that they cannot demand of the board the kind of information that would let them call the board to account — a concern that was echoed by the committee. The annual report will not give you the kind of information that you need to ensure that the discretionary powers are being exercised in an appropriate manner.

Fifth, this board can hire and fire its own auditor. If they think the auditor is on to something — poof, she is history. They are gone. The trip to Jamaica remains quiet. The auditor has no job tenure and is hired and fired by a board that is not accountable to the pension plan members. To think this was cooked up by Treasury Board. If this is not a joint board, then the primary auditor should be the Auditor General or, failing that, the auditor should be named by the minister so that there is some distance between the board and its auditor.

Sixth, also arising from the lack of a joint board is the qualification of its board of directors. If this was a joint board then the employer, the employees and the superannuitants would be responsible for the quality of the board. If they want a lay board, then, fine, that would be their call. If they want a board of pension professionals, then that would be their call as well. Those who speak on behalf of the employees told us that they have little faith in the board nomination process that this bill establishes.

Seventh, representatives of RCMP senior management, rank and file officers, civilian staff, and members of CSIS were part of the failed consultations leading up to this bill. Nor were the military. The government seems to have said, "The public service unions will not agree to surrender the surplus without a court fight so everyone else can take a hike as well." The government needs to sit down and discuss a number of pension issues with the RCMP, including both an appropriate structure for plan management and a benefit structure that is appropriate to police work. The parts of the bill dealing with the RCMP should be suspended until those discussions are concluded.

Eighth, there is the matter of Canada Post. The government has unilaterally decided that Canada Post employees will no longer be part of the Public Service Pension Plan. It must set up its own plan. There were no discussions with the employees of Canada Post about this. Canada Post is unable to answer basic questions about what its plan will look like in the future. This part of the bill should be put on hold until someone can answer those questions. Indeed, the committee recommended that the government ensure that Canada Post employees not face benefit reductions as a result of this change.

Ninth, honourable senators, is the matter of the appropriate legal environment for this plan. The pension plans for public servants are not subject to the minimum safeguards set out for private sector pensions through the Pension Benefits Standards Act nor to the benefit maximums set out through the Income Tax Act. Why does the government continue to exempt itself from its own laws? Is there not a moral issue here as well?

Tenth, there is the lack of a review mechanism. Having decided there would not be a joint board, the government then proceeded to cut and paste this bill together. Some of it is cut and pasted from the CPP board legislation; some of it is cut and pasted from other legislation. The officials admitted in committee that they did not ask anyone outside of government whether or not the accountability framework in the bill was appropriate. Imagine that! No one from outside government, no outside pension experts were asked their opinion. That is remarkable.

The eleventh point concerns the term "conjugal" — and I said this in my speech at second reading. The testimony before the committee was far from conclusive. Different lawyers and different experts told us different things. The only thing I can tell you with certainty is that when different lawyers offer different legal opinions, then those same different lawyers have a lot of billable hours ahead of them. That is assured.

I would also remind the Senate of the amendment that the Legal and Constitutional Affairs Committee made to Bill C-37, the bill dealing with judges' pensions which was alluded to by Senator Cools.

• (1550)

While Bill C-37 had an opposite sex definition of a common-law relationship, it also had a one-year conjugal test. Should the government not take the time to consider this and perhaps come back with a new bill? Above all else, it is important that we not proceed in a way that would open the door to more legal wrangling.

In conclusion, I realize that many members of the government are torn between their desire to do what is right and their desire to vote the party line. Here is a solution: Rather than vote to defeat this bill, vote to put it on hold. If you do so, you will not be voting against the bill, you will simply be telling the government to think it over and do something. We could say,

"Live up to your commitment, Mr. Minister. You said you would. Let us see you put it into practice."

Voting for a delay would give the minister time to review the bill, in order to determine if the accountability structure could be improved. It would give the government time to take another stab at negotiating a joint board. If a joint board were negotiated, a new bill would be needed in any event. The government could take a good look at the committee report and could perhaps bring in a new bill that more fully reflects those recommendations. A delay would give the government time to rethink its test for survivor benefits, and to be certain that it does not create a new round of work for the legal community.

MOTION IN AMENDMENT

Hon. Terry Stratton: Therefore, honourable senators, I move, seconded by Senator Lynch-Staunton:

That the Bill be not now read the third time, but that it be referred back to the Standing Senate Committee on Banking, Trade and Commerce so that the Committee may monitor discussions between Treasury Board and affected unions over matters contained in the letter of the President of the Treasury Board referred to the Report of the Standing Senate Committee on Banking, Trade and Commerce on Bill C-78; and

That the Committee report back to the Senate no later than September 7, 1999.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: Would those honourable senators in favour of the amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Would those honourable senators opposed to the amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen.

The Hon. the Speaker: Please call in the senators.

Hon. Mabel M. DeWare: Honourable senators, I move, pursuant to rule 67(1), that the standing vote be deferred until tomorrow, Thursday, June 17, 1999, at 3:45 p.m.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

The Hon. the Speaker: Therefore, the vote will be deferred until tomorrow, Thursday, June 17, 1999 at 3:45 p.m. The bells will ring at 3:30 p.m.

PRIVILEGES, STANDING RULES AND ORDERS

TWELFTH REPORT OF COMMITTEE PRESENTED

Leave having been given to revert to Reports of Committees:

Hon. Shirley Maheu, Chair of the Standing Committee on Privileges, Standing Rules and Orders, presented the following report:

Wednesday, June 16, 1999

The Standing Committee on Privileges, Standing Rules and Orders has the honour to present its

TWELFTH REPORT

On Thursday, June 10, 1999 the Senate adopted the following motion:

That the issue of the rights of all Senators to be able to participate in the standing votes in the Senate that have been requested in accordance with rule 65(3), and the procedures followed on June 9, 1999, regarding the vote to adjourn the debate on the eleventh report of the Privileges, Standing Rules and Orders Committee, be referred to the Standing Committee on Privileges, Standing Rules and Orders.

On Wednesday, June 16, 1999, your committee heard from Senator Murray, P.C.

Your committee will continue its study of whether or not a question of privilege has been established. However, as an interim measure, your committee makes the following recommendation:

That the Whips be advised that notwithstanding any Rule of the Senate, the bells to call in the Senators for a standing vote that has been requested in accordance with rule 65(3), shall be sounded for not less than 20 minutes.

This recommendation would not apply where a standing vote immediately follows another standing vote.

Respectfully submitted,

SHIRLEY MAHEU
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Maheu, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

PRIVATE BILL

CANADIAN DISTRICT OF MORAVIAN CHURCH OF AMERICA— SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Taylor, seconded by the Honourable Senator Chalifoux, for the second reading of Bill S-30, to amend the Act of incorporation of the Board of Elders of the Canadian District of the Moravian Church in America.—(*Honourable Senator Atkins*)

Hon. Norman K. Atkins: Honourable senators, I know that Senator Taylor has been waiting patiently for me to speak to Bill S-30. My intervention at second reading on behalf of my colleagues on this side of the chamber on Bill S-30 will be brief.

Honourable senators, I make no comment on the bill. If the church believes the amendment is necessary, and the amendment does not prejudice existing rights and is legally correct, I see no reason why it should not proceed to committee for study and, in due course, be adopted by the Senate.

However, as I stated when I addressed this chamber in relation to Bill S-20, a similar corporation sole bill, I do not believe that the Senate — or, indeed, Parliament — should be seized with these bills. I believe the incorporation of these types of religious organizations or amendments to the original acts of incorporation should be dealt with through an administrative procedure. This could be done either by amending the Canada Corporation Act or through a stand-alone statute dealing with corporations sole.

We have evolved as a society to the point where Parliament need no longer be involved in these matters. This would be similar to the evolution of the role of the Senate in relation to divorce. Now all matrimonial matters are dealt with by the courts, and not through Parliament.

Historically, the corporation sole developed to ensure continuity in the passage of fixed assets or lands belonging to a religious organization on the death of a senior official, director, bishop, et cetera. On the death of the clergy person, the property would be passed, not to that person's successor but would remain in the name of the diocese.

It is time we addressed this anachronism in our law. It is my intention in the new session, which we all await with great anticipation, to introduce a private member's bill which will allow the process by which these corporations come into being to be changed through an administrative procedure. This will end the necessity of dealing with these bills in our national Parliament. I hope all members in this place would support such a bill.

• (16:00)

Hon. Nicholas W. Taylor: Honourable senators —

The Hon. the Speaker: Honourable senators, if Senator Taylor speaks now, his speech will have the effect of closing debate on second reading of this bill.

Senator Taylor: Honourable senators, I wish to compliment Senator Atkins on his very succinct comment on the bill, and assure him of my cooperation on his private bill. I took this issue on to clean it up because it had been sitting around since 1992 and there were Albertans involved. I found it quite bothersome, trying to explain how busy we were in the Senate when we had a bill that had been sitting here since 1992. I am very glad that it is finally moving along.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Taylor, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

[Translation]

SCRUTINY OF REGULATIONS

SIXTH REPORT OF STANDING JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth (A) report of the Standing Joint Committee for the Scrutiny of Regulations (approval of funds to attend the biennial conference on delegated legislation in Sydney, Australia), presented on June 15, 1999.

Hon. Céline Hervieux-Payette: Honourable senators, I move adoption of this report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

PRIVATIZATION AND LICENSING OF QUOTAS

REPORT OF FISHERIES COMMITTEE ADOPTED

On the Order:

Resuming the debate on the consideration of the third report of the Standing Senate Committee on Fisheries, entitled "Privatization and Quota Licensing in Canada's Fisheries," presented in the Senate on December 8, 1998.

Hon. Fernand Robichaud: Honourable senators, the Standing Senate Committee on Fisheries tabled through its chair, the Honourable Senator Comeau, on December 8, 1998, its report entitled "Privatization and Quota Licensing in Canada's Fisheries."

After hearing over 60 witnesses express their views on the issue of quota licensing in Canada, the committee found that this issue has generated a great deal of interest and concern among fishermen, coastal communities and the fishing industry in general. The committee's report reflects the many concerns relating to the basic principles governing quota licensing, namely whether we should be talking about a private or a common right.

An economic analysis of the quotas does not seem to take into account the distribution of fishing revenues and can result in an attribution that is not always fair in terms of social equality and distribution of wealth.

As a result of the ten recommendations in the report, the Minister of Fisheries and Oceans, the Honourable David Anderson, appeared before the committee on June 2, 1999. The committee appreciated very much the minister's testimony.

In its ninth recommendation, the Standing Senate Committee on Fisheries recommended that the Department of Fisheries and Oceans share the resource more equitably so that the small-scale fishers could play a greater role in the industry.

Honourable senators, there seems to be a significant shortcoming in the allocation and distribution of quota licenses. The documents on this subject reveal that there is no clear policy on the way they are awarded. Many witnesses spoke of this.

For the benefit of all the parties involved and affected in varying degrees by the issue of quota licenses, we recommend that the Department of Fisheries and Oceans clarify its position by clearly defining its policies in this regard, because fishers and Canadian coastal fishing communities depend on it.

Honourable senators, I move adoption of this report, seconded by the Honourable Senator Butts.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

OFFICIAL LANGUAGES ACT

PROGRESSIVE DETERIORATION OF FRENCH SERVICES
AVAILABLE TO FRANCOPHONES OUTSIDE OF QUEBEC—
INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Simard calling the attention of the Senate to the current situation with regard to the application of the Official Languages Act, its progressive deterioration, the abdication of responsibility by a succession of governments over the past ten years and the loss of access to services in French for francophones outside Quebec.

Hon. Jean-Claude Rivest: Honourable senators, I wish to join the debate initiated by Senators Simard and Gauthier on the matter of official languages. For the past four or five years, I have participated regularly in meetings of the Standing Joint Committee on Official Languages. I would like to take this opportunity to tell all members of this place about the particularly serious problems that exist with respect to the Official Languages Act.

Canada will host the Francophone Summit in Moncton. Just as naturally, representatives of Canada will give all sorts of wonderful official speeches about the vitality of Canada's linguistic duality.

That will not be the time to mention the problems facing francophone communities outside of Quebec. They must fight very hard for their survival because, to all intents and purposes, they are no longer receiving the political support that was there when the Official Languages Act was passed.

Honourable senators, we remember that when the Right Honourable Pierre Elliott Trudeau introduced this legislation in the 1970s, he gave a firm political undertaking. He also took political and electoral risks by defending Canada's linguistic duality.

In recent years, as the Commissioner of Official Languages pointed out in his report, there is no longer strong national leadership with respect to the defence and promotion of Canada's linguistic duality. Canada's political leadership is extremely quiet on the issue of official languages. This can be seen whenever there is a provincial election anywhere in Canada. This often does irreparable harm to the cause of francophones outside of Quebec, Canadians living in minority situations, and English-speaking Quebecers.

Honourable senators will remember that following the adoption of the Official Languages Act, the Right Honourable Pierre Elliott Trudeau had it enshrined in the Constitution in 1982. This significant constitutional guarantee does not refer to

the country's linguistic duality, which was included in the Meech Lake Accord and which, unfortunately, failed, as we all know. This is why, following the failure of the Meech Lake Accord, the issue of linguistic duality was enshrined in Canada's Constitution, thanks to the initiative and leadership of the Right Honourable Brian Mulroney.

This most sensitive issue was discussed at length. Since then, Canadian leadership has evaporated. There is no longer any leadership in Canada.

I remind you, honourable senators, that the Commissioner of Official Languages, Mr. Goldbloom, said in his last report that one of the great problems for Canadians, both francophones and anglophones, is that, for some mysterious reasons that have something to do with a lack of courage, there is a lack of Canadian political leadership.

I must also mention the situation of Canadians who are members of a linguistic minority. In Quebec, English-language Quebecers are concerned about the drop in the birth rate. These people are also the victims of rather petty practices on the part of the Parti Québécois government, as relates to the use of English in hospitals and to advertising in certain cities.

The incidents that occur have more to do with the pettiness of Quebec political leaders than with the legal objective status of the rights of anglophones in Quebec, both in the National Assembly and within the public service.

For all health and social services, an act guarantees access to services in English everywhere in Quebec, regardless of the numbers. Educational rights are guaranteed. The issue of anglophone Quebecers living in a minority must be taken into consideration.

This issue is of a totally different nature than that of francophones living outside of Quebec as, in several regions of Canada, the survival of French is the fundamental issue.

The rate of assimilation of French Canadians is horrendous. It can reach 60 per cent in some regions. Very dynamic regions such as New Brunswick and Eastern Ontario have a 30 per cent rate of assimilation. This is both dramatic and disturbing.

It is my duty, as Senator Simard's initiative indicates, to point out that political leadership with respect to this situation does not jeopardize the legal or jurisdictional element proposed by Prime Minister Trudeau in the 1970s. The legal reality has not really changed, but the situation is in constant flux, to the detriment of Canada's linguistic duality.

This is of grave concern. Canada's political leadership must wake up and take hold of this heritage, which is one of Canada's basic features, so as to revive the hope, life and dynamism the francophone communities outside of Quebec have had and continue to have. They need the support of Canada's leaders.

The situation is all the more difficult for francophones outside of Quebec, as, with budget cuts, an incalculable number of programs and forms of support for them were abandoned, thereby annihilating the efforts of the francophone communities to create a dynamism and a life in French outside of Quebec.

The federal government has failed to meet some of its responsibilities. The Official Languages Act recognizes linguistic equality in government services. The commissioner discovers gaps and weaknesses annually. The government more or less manages to act on complaints.

Section VII of the Official Languages Act is very important. It requires all departments and agencies of the government to contribute to the support of the minority communities within Canada.

The Joint Committee on Official Languages requires the various departments to report. These reports are extremely disappointing. They are written in haste. It is clear the departments have very little interest in the importance of this aspect of Canadian life.

All francophone groups outside of Quebec point to the federal government's failure to implement Part VII of the Official Languages Act, which deals with the institutions and economic, social and cultural activities of linguistic minority groups. This is one of the tragic realities faced by francophone minorities outside of Quebec.

According to the Fédération des francophones hors Québec, one of the main problems is that there is no one responsible for implementing programs to support French-speaking communities outside of Quebec.

The Minister of Canadian Heritage and the President of the Treasury Board share responsibility for implementing the Official Languages Act. Every year the ministers tell us that they have made great progress in the year gone by but that many problems remain.

The reason this is all we get is very simple. The President of the Treasury Board and the Minister of Canadian Heritage have very heavy ministerial responsibilities. We have all had experience of life in politics and in public administration. A short speech is prepared for the minister to use in his appearance before the Standing Joint Committee on Official Languages. This speech contains nothing but platitudes, when the threat to the life of the French-speaking community outside of Quebec requires a much stronger and more enlightened conscience and leadership.

This does not come from me, but from the communities, which point it out annually in their testimonies before the committee. The Commissioner of Official Languages keeps saying it, but the departments' responsibilities are diffuse. The Fédération des francophones hors Québec et des Acadiens has explained many times that there are not five or six solutions to implementing the objectives proposed in the 1970s in the Official Languages Act, and confirmed in Canada's new Constitution in 1982. There is

only one real solution. The Prime Minister must make one minister responsible for the application of the Official Languages Act. If he is unable, let him assume the responsibility himself. Administratively, let him provide new leadership in this issue so important to Canada's future.

I propose that a deputy minister at the Privy Council level assume the administrative leadership with respect to the Official Languages Act. The deputy minister of Canadian Heritage, and the minister and the deputy minister at Treasury Board have many concerns besides the Official Languages Act.

Honourable senators, the Minister of Canadian Heritage, her deputy or the deputy at Treasury Board are involved with departments. When the deputy minister of Canadian Heritage calls his counterpart at Transport, who is responsible for an airline or a railway company, he has a problem, he is not the boss. He has no authority. He is a deputy minister like any other deputy minister. In professional terms, the people do their work. I have no problem with that.

There is talk of the cabinet shuffle coming perhaps in the fall. It would be important for those with the Prime Minister's ear to mention the major claim by all minorities across Canada. They want someone, somewhere in the federal public administration, to be responsible for implementing the Official Languages Act. Heritage Canada and Treasury Board take turns being criticized.

Honourable senators, I support the initiative of my colleague Senator Simard. It seems to me that it should be an essential duty of an institution such as the Senate to look at this linguistic duality, which is an important dimension of the Canadian reality. We are witnessing an extremely dangerous slippage affecting French life in Canada. Everyone must be aware of this, including political leaders, who must act on this awareness by taking steps to correct the situation. Honourable senators, such correction requires a leadership that is simple, and which assumes its responsibilities.

Hon. Eymard G. Corbin: In his speech Senator Rivest referred on several occasions to the francophone community living outside Quebec. I am surprised that he would use such language since, after all, we never refer to Quebec anglophones as anglophones living outside Canada.

We French Canadians living in New Brunswick, Acadia, Ontario, Manitoba or elsewhere do not like our linguistic status to be defined in relation to Quebec. This is particularly true since some Quebecers unfortunately booed us on several occasions. Who cares about minorities?

The proper way to refer to francophone communities is to use the expression *Fédération des communautés francophones et acadienne* du Canada. That is their new name, precisely because the federation and its members did not want to be defined in relation to Quebec. We do have rights and guarantees under the Constitution. The francophone and anglophone communities in Quebec also have rights and protections under the Constitution. Quebec has nothing to do with that.

That being said, we appreciate the honourable senator's support. I think he is right about a lot of issues. What is most disappointing about the proceedings of the Standing Joint Committee on Official Languages is that, year after year, we keep hearing the same thing over and over. The committee does not really address the fundamental issues, including the fact that there is no one at the helm, and the ship is adrift.

Senator Rivest is right. Please remember that we do not like to be defined in terms of Quebec.

Senator Rivest: It is a question of semantics.

Hon. Fernand Robichaud: Honourable senators, I agree with the Honourable Senator Corbin, and would simply like to say to all those listening that we Acadians would like to be recognized for what we are and not for what we are not.

[English]

Hon. Joan Fraser: Honourable senators, further to the comments of Senator Corbin on Senator Rivest's very appropriate remarks, I, too, am glad this debate has occurred. I, too, think it is important that, as the retiring Commissioner of Official Languages has said, we all take it upon ourselves to show leadership in promoting Canada's linguistic duality. However, as a member of one of the language minorities, I would have trouble being identified solely as a member of a particular organization. La Fédération des communautés francophones et acadiennes is a wonderful group, but there is a distinction to be made between organizations, however wonderful, and the people they represent. To stretch the case a little bit, I would resent bitterly having my community referred to as Alliance Quebec.

[Translation]

Hon. Marcel Prud'homme: I would have a comment —

The Hon. the Speaker: We must ask for leave to extend the debate then, because the time is up. Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Prud'homme: Senator Simard has covered the subject well. Our colleagues Senators Gauthier, Rivest and Corbin have made their point eloquently. I could say a lot about the rights of English-speaking Canadians in Quebec, who perhaps have less to complain about than all our good French Canadians outside of Quebec. I know them. They are disappearing in Western Canada. They are dying out. They are pleading for help. I know them well. Whenever I am out west, I ask Senator Gauthier for the list of francophone associations and French-language schools.

When I see the great defender of the Acadian people, Louis Robichaud, I am almost beside myself with joy. When I was young, I campaigned for Senator Robichaud. He may not remember. It was in the days of Jean Lesage. I see him smiling

and nodding his head. I like to see him smile when I am speaking. You know that I helped you in 1960. I supported your efforts to have Acadians recognized. Recognizing someone never means taking someone else's rights away. Recognition is an affirmation of what we are.

On motion of Senator Prud'homme, debate adjourned.

NATIONAL COUNCIL OF WELFARE

REPORT ON PRESCHOOL CHILDREN—
INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry by Honourable Senator Cohen, calling the attention of the Senate to the report by the National Council on Welfare entitled: "Preschool Children: Promises to Keep"—(*Honourable Senator Pépin*).

Hon. Lucie Pépin: Honourable senators, I rise today to speak in support of Senator Cohen, who spoke to us on June 10, of the vital issues in the establishment of a national daycare system. I support her request, because I have been involved in this area since the early 1980s, when I was the Chair of the Canadian Advisory Council on the Status of Women. We organized the first national conference on daycare. Since then, I had the pleasure of sitting on a special committee of the House of Commons on child care, chaired by the Honourable Shirley Maheu. We submitted a very detailed report. Twelve years later, we are in the same position, beseeching the Government of Canada to do something for childcare services. I would like to congratulate the National Council of Welfare on its excellent report, which will help us review our priorities.

Senator Cohen drew our attention to the alarming situation in daycare for preschool children in Canada. She told us that a number of governments had promised to provide Canadian families with affordable and quality childcare services, but that not one had yet come up with the investment needed to start up such a program.

[English]

In 1989, the House of Commons adopted a unanimous resolution calling for the elimination of poverty for children by the year 2000. Since that time, successive provincial and federal governments have made significant cuts to education, employment, social and health services, all destined to help parents and their young children. The result, not surprisingly, has been an increase in childhood poverty from 14.5 per cent in 1989 to 20.9 per cent in 1996. Efforts by the federal government to create additional daycare spaces have failed. The reality is that those additional spaces are needed now more than ever before.

Despite the promises, the argument against publicly funded care for prechool age children is always one of dollars. "We cannot afford it," policy-makers say.

[Translation]

They keep saying the idea is a good one, but they simply lack the means to fund a public daycare system for preschool children.

I get the impression that, in a way, they tend to minimize the importance of early childhood experiences, just because children are involved. It is high time the situation is corrected and we realize that the experiences of our children today will shape our society tomorrow. It is as simple as that. We do not have the means not to invest in a daycare program for young children.

According to Dr. Fraser Mustard, the former president of the Canadian Institute for Advanced Research, a country that neglects its children neglects its future.

Child development specialists and experts on the functioning of the brain are continually expanding our knowledge on the scope and vital importance of learning between birth and the age of six. What is learned during this period establishes the bases for good motor development, social skills, language acquisition and cognitive abilities. It is during this period that children learn to reach out to the world with trust and curiosity.

Poverty plays a particularly insidious role in the development of young children. Children who are born and raised in poverty must overcome huge obstacles in order to later enjoy a stable personal and professional life. Poverty is linked to malnutrition, sickness, family stress, apathy, violence, negligence and lack of support services at the local level. In that context, many children simply do not manage to gain the social skills, education and adaptability that are required to succeed in school or, later, in the workplace. The seeds of failure are planted early on and keep growing throughout one's life.

Research studies confirm time and again that the first six years of a child are crucial to his or her ability to adequately function as an adult later on in life. Many of society's most serious problems have their roots in early childhood.

Problems such as violence, crime, psychological distress and dependence on social services are all due to a lack of education and skills. Statistics show that 71 per cent of children who have serious behavioural problems at age 6 become antisocial adults; that 45 per cent of offenders were slow readers in grade two; that as early as age 5 we can identify in boys the three factors related to juvenile delinquency and violence, namely hyperactivity, low anxiety and low response to reward; that 70 to 90 per cent of violent criminals were very aggressive children; that 75 per cent of those who are institutionalized suffered some form of abuse in their childhood; and that poor children are twice as likely to drop out of school.

Our society pays a very high price for the lack of investment in early childhood, both in terms of social spending and lost human potential. According to the Conference Board of Canada, high-school students who were going to graduate in 1987 but dropped out of school will cost society in excess of \$1.7 billion in lost tax revenues.

What do researchers suggest? Accessible, affordable, quality daycare. The advantages of investing public money in quality daycare for preschoolers has been amply demonstrated.

The High School Perry Preschool Project in Michigan, which followed a group from infancy to the age of 27, is one of the most important studies in this regard.

This study showed that, when children who had participated in a quality preschool program reached adulthood, they earned more, had a higher level of instruction, were arrested less often, and needed fewer social services than children who had not taken part in such a program. These findings were included in a report by the Honourable Monique Bégin for the Government of Ontario in 1995.

In 1997, the federal Department of Human Resources Development sponsored a study showing that the skills children acquire before beginning school affect how well they will do at the secondary level and determine whether or not they will drop out. A child's readiness for school at the age of six plays a crucial role in his academic success at the elementary and secondary levels and in the workplace.

[English]

In a 1988 University of Toronto study, economists Cleveland and Krashinsky showed that a high-quality public childcare system for those children who are two to five years of age would return \$2 for every dollar invested. The return covered all socio-economic groups, not just the disadvantaged. The projected return was calculated based on greater female participation in the workplace, lower school drop-out rates, higher earnings and greater tax revenues.

Honourable senators, what can we do? First, we must fully understand the process of human development from early childhood on and its linkages to later life. If the foundations for successful learning, coping and socializing are instilled by age six, we must support children and families during this crucial period. It is completely unreasonable to expect our social institutions to correct accumulated social disabilities later on. Yet that is exactly what we are asking them to do. We pass on to our schools and social institutions problems which they are not designed to address, problems which could have been minimized or prevented with early childhood intervention. By failing to intervene early on, we undermine the effectiveness of our whole social structure.

The focus must be on prevention because the research is telling us that this is the most cost-effective way to promote healthy human development. Prevention means giving the highest priority possible to supporting children during the earliest development period. It means creating a national, integrated, early childhood childcare and preschool education program. The quality of the childcare services offered will have a direct bearing on the ability of poor families to find and maintain employment from one generation to the next. This would seem a modest investment if it helps us combat poverty and produce a better educated, more productive and healthier labour force.

[Translation]

Child custody must be seen from the same angle as education. Each of these elements is of such importance for human development and, hence, for the prosperity of our country that our governments can no longer avoid assuming their responsibilities in this area.

Honourable senators, studies been carried out. We have the information. We must now act. In the interests of the present and future prosperity of our country, we have the obligation to guarantee a healthy, safe and stimulating childhood to all Canadians. The federal government and its provincial partners can no longer postpone the establishment of a national childcare system. I invite you to join me in demanding that the federal government keep the promise it made to Canadian children and become a leader in that area.

Since 1982, several people, like Senator Cohen and myself, have been working on this issue. After 19 years of research, we hope that the various levels of government will take heed of the needs of our children and will finally act on this important issue.

Hon. Marcel Prud'homme: First of all I want to acknowledge that I did speak a bit loudly with one of my colleagues and I wish to apologize to Senator Pépin. She gave an excellent speech. I was a member in the other place with her from 1984 to 1988. She was responsible for this issue. Therefore, she has been interested in this issue for quite some time.

Senator Pépin asks us to join her. She is asking for our support. I am ready to help. Now, what should we do to get the government involved, since it will be dealing with this issue?

[English]

I see Senators DeWare and Gill. We are a diminishing group at quarter to five. I wanted to stay because I expected her to speak.

[Translation]

The honourable senator need only tell us what we could do to help, since this is what she is asking. For my part, I support her.

Senator Pépin: If I were mean I would tell the honourable senator that he should have listened because I already mentioned it: We must demand that the federal government and the provinces fulfil their promises in this respect. We need only put pressure on both the federal and provincial governments to get them to act in this area.

Senator Prud'homme: For the last week, I have let nothing pass. Honourable senators, I did listen. I can do more than one thing at a time. I listened carefully to everything the honourable senator said, including her call for silence. I am only responding to what she asked in the first part of her speech. If you need a good organizer to get things moving, I am your man. I do not see where we disagree.

Senator Pépin: We need leaders in this area. Senator Prud'homme is hired. It is important to do whatever it takes to get the message across to the federal government that it must act on this issue. For 19 years now parents have been asking for daycare, not only for preschoolers, but also for cultural minority children, poor children and handicapped children. We always get the same answer: there is no money. I believe it is very short-sighted not to invest in our future at this point. I urge you to bring pressure to bear.

The Hon. the Acting Speaker: The time provided for this item has expired.

Senator Prud'homme: Honourable senators, I see that everyone is wondering who will move the adjournment. I do not want to have the floor all the time, but I cannot let such an important debate end. I would be prepared to second Senator Losier-Cool if she were to move the adjournment of the debate.

On motion of Senator Losier-Cool, debate adjourned.

STATUS OF PALLIATIVE CARE

INQUIRY—DEBATE ADJOURNED

On the order:

Resuming debate on the inquiry of the Honourable Senator Carstairs calling the attention of the Senate to the status of palliative care in Canada, in recognition of National Palliative Care Week.

Hon. Eymard G. Corbin: Honourable senators, before addressing this issue, I would like to apologize. The other day, I referred to this inquiry of Senator Carstairs as an inquiry on euthanasia, which obviously is not the case. This is an inquiry on palliative care that she made to mark National Palliative Care Week in Canada.

[English]

• (1650)

Palliative care is a unique mode of patient support developed to address the needs of persons who have been diagnosed with a terminal illness. It focuses primarily on the needs and comfort of the patient, but also caters to family members in a situation of emotional stress when hope for a cure is no longer possible.

Palliative care concerns itself with the total person, not simply the illness. Many patients experience uncontrolled physical and psychological suffering due to their illness including unmanageable pain, depression, anxiety and severe existential distress. In these seemingly desperate situations, family members and health care providers may be inclined to consider euthanasia or doctor-assisted suicide as an option. Some people would conclude that the best solution would be to bring on, to provoke, an early death and to spare the patient excruciating pain.

However, when patients themselves, their families and health care providers even consider euthanasia, it is usually in a desperate response to terrible suffering and fear of inadequately relieved pain. Many people do not know that there are ways of adequately dealing with the pain and psychological distress. Unlike euthanasia, palliative care focuses on life, what is left of it, and aims at controlling suffering and maximizing the quality of the patient's remaining weeks or months.

Palliative care is founded on highly developed clinical expertise in pain and symptom management; on timely, responsive and sensitive patient-centred communications; and on interdisciplinary teamwork. It is a highly specialized area of medicine which is continuing to advance.

Most people would abandon the thought of euthanasia if they were made aware of, and offered, real alternatives and services. If most individuals knew that the alternative to living in pain, distress and, yes, abandonment, was living relatively pain-free, comfortable, and surrounded by loved ones, they would support the cause of palliative care instead of euthanasia and doctor-assisted suicide.

As a member of the committee which studied these matters under Senator Joan Neiman, I am aware of the other side of the argument which favours euthanasia for the supposedly 5 per cent of terminal cases that cannot be medicated, as well as requests for assisted suicide in the circumstances. Therefore, I will not debate that aspect of it here and again. My concern is for the greater respect due to life, the greatest phenomenon in the universe, though I recognize that the debate on freedom of choice is far from ended.

Unfortunately, successive Canadian governments, federal as well as provincial, have failed to ensure exemplary funding and support for palliative care programs during the recent downsizing and restructuring processes in the health care system right across Canada. While the restructuring may have been necessary, palliative care beds in hospitals were, in many instances, the first ones to be trashed. Some might argue that palliative care was the most vulnerable and yet the hardest hit.

I will of course utter a word of caution: I do not have the facts and figures to prove what I advance, but I have heard a number of reports, as have some of you, that would indicate that this indeed was the case. Many care units in hospitals have experienced cut-backs, downsizing, lay-offs, bed closures and staff bumping. It is to be hoped that that exercise is now behind us.

The time has finally come to deal with the proper care of terminally ill people. Palliative care is still not a priority in many areas of the country, indeed, in many jurisdictions. This is worrisome, considering Canada's ageing population is expected to lead to a significant increase in lengthy terminal illness cases as a result of cancer, Alzheimer's disease, respiratory and many other chronic terminal illnesses.

In 1989, 2.9 million Canadians were over the age of 65. By the year 2011, this number will have increased to 5 million. The longevity span is constantly increasing, and with it, debilitating terminal illnesses. Our current health care system is not well equipped nor sufficiently funded to accommodate this growth and the number of people with terminal illnesses. In my opinion, we could be doing more for the health care support staff currently, including nurses who do the back-breaking chores of assisting the dying.

Many studies are showing that Canada's health care system is failing to meet the needs of the dying, and that many patients are experiencing needless anguish and suffering. Although we are aware that even simple initiatives in palliative care can help lessen the unnecessary and unacceptable burden of pain and suffering, our governments generally have not dedicated enough time and money to this cause. It is to be hoped that they are now awakening to reality. Surely nothing comes home to roost with more personal impact than the thought in the minds of our politicians and bureaucrats that they, too, could become palliative care cases in a few years. Death, after all, is our common lot.

Palliative care is still on the back burner in many medical schools. Medical students are offered very little time to learn the full scope of pain control and pain management or, to put it another way, because there are also rare exceptions, medical faculties could modify the curricula to address these contemporary challenges.

Why would we still be sending new doctors out to practise who do not know how to properly make terminally ill patients comfortable and relatively pain-free? We have all come to appreciate the growing importance of palliative care. We know why it is required. We know what needs to be done to ensure that palliative care programs reach their full potential.

I understand that palliative care requires further research. I also believe that palliative care needs much stronger government support in order to improve and expand in all communities across Canada. Compared to other jurisdictions, Canada is lagging behind. For example, France recently introduced a law which aims to guarantee the right to access palliative care. Our country does not, under the health act, consider palliative care an essential service. However, if we, too, were to introduce similar legislation, our health care delivery system is unfortunately not sufficiently prepared, in terms of persons, facilities and budgets, to accommodate the growing number of people with terminal illnesses and their entitlement to quality care. It is up to us, the governments and legislators, to help them prepare.

In my opinion, there has been sufficient talk about the need for palliative care. While I fully recognize the admirable pioneering initiatives of many individual and community efforts, much more remains to be done. Now is the time for action.

Before I conclude, honourable senators, I thank Sarah Wells, one of the pages in the Senate, who helped me in my work of research and drafting of these remarks. She liked the work and welcomed the opportunity to learn more about palliative care and related problems.

On motion of Senator DeWare, debate adjourned.

[Translation]

DEVELOPING COUNTRIES

STATUS OF EDUCATION AND HEALTH IN YOUNG GIRLS AND WOMEN—INQUIRY

On the order:

Resuming debate on the inquiry of the Honourable Senator Losier-Cool, calling the attention of the Senate to population, education and health, particularly for young girls and women in many developing countries.

The Hon. the Acting Speaker: Honourable senators, I must advise you that if the Honourable Senator Losier-Cool speaks now, her speech will conclude debate on this inquiry.

Hon. Rose-Marie Losier-Cool: Honourable senators, first I want to thank the Honourable Senators Andreychuk, Pépin, Callbeck, Wilson and Corbin for their comments on this issue.

When I launched this debate, I limited my comments to the education of young girls and the reproductive health of women in French Africa. I am glad that my honourable colleagues addressed many aspects of the status of women in developing countries.

Senator Andreychuk raised the matter of maternity and mortality. She described the situation of women at the moment in South Asia, where their inferior status means that pregnancy is now a major cause of death. These striking statistics underscore the need to improve sex education and family planning resources throughout the world in developing countries.

Honourable Senator Pépin clearly outlined the links between the protection of individual rights, the victory over AIDS and improvements in the health and education of women in developing countries.

I should like to take this opportunity to draw your attention to a few examples of the individual rights she listed as rights that must urgently be recognized and protected in order to improve the health of women.

First, Senator Pépin mentioned the right to research, receive and transmit information on the prevention and treatment of HIV. When we consider the stunning statistics on mortality in connection with HIV and AIDS throughout the developing

world, it is very clear that this matter must become an important priority.

In pointing to the themes of the 1994 Cairo Conference, Senator Wilson put what amounts to a major challenge to governments and international agencies with respect to the health and education of women and young girls in developing countries.

At the Cairo conference in 1994, the international community finally put the emphasis on human rights rather than on the reduction of the world's population. They focussed on health as it relates to the reproductive process, strengthening of women's autonomy and sustainable development. One of the main themes addressed in Cairo was that the measure of the well being of a given country is related to the status of its young girls.

Honourable senators, in taking this view, the international community recognized that the improvement of the welfare of a society's most vulnerable members represents social progress. The international community said women were entitled to self-determination, education and full health and family planning services. In 1994, the Cairo conference adopted powerful strategies to improve the situation of young women and girls in developing countries. However, these strategies have yet to have a solid impact on most of the countries concerned.

What caused this failure? There is a lack of support on the part of signatory governments. For example, in 1994, Canada made the commitment to spend \$200 million a year to meet the objectives set at the Cairo conference. However, in 1998, our contribution was only a quarter of that amount. This is where we see the disparity between the goodwill of the international community and the economic reality of independent states. This disparity does not exist only in Canada, but in all G-8 countries.

However, in spite of the fact that Canada has not met the objectives set at the Cairo conference, it can be proud of its contribution to the status of women in developing countries. Senator Callbeck pointed out in her remarks that the Canadian International Development Agency makes a sizeable contribution to health and education programs for girls and young women. At least we can be proud that the principles set out in Cairo are part of our development agency's policy.

As mentioned by Senator Corbin, we can also be proud of the success achieved by Canada in supporting the movement against female circumcision. According to Senator Corbin, the elimination of this practice remains a priority for CIDA.

Honourable senators, let us have a look at the impact the education of girls and young women can have on the practice of female circumcision.

For example, in sub-Saharan Africa, between 15 and 20 per cent of the growth in HIV infection is related to female circumcision. This practice would certainly be questioned if people were better informed about its harmful effects.

Honourable senators, we heard a lot of statistics and stunning facts during the course of this debate. It should be pointed out that all those senators who took part in the debate stressed the importance of education, which was the key element of my inquiry.

[English]

Honourable senators, Canada is helping people living in developing nations to have access to food, water, education, and primary health care. There are clear links between levels of education and the number of children a woman in a developing country will have. In fact, after access to family planning services, a woman's education is the most important factor in determining family size.

A woman's level of education also determines, to a large extent, her own health and that of her family. In countries where access to health care is limited, each additional year of schooling is associated with a 5 to 10 per cent decline in child deaths.

[Translation]

The status of women in developing countries is still problematical, and it will not improve unless the international community commits itself more concretely to the monetary objectives set out in the Cairo convention.

[English]

The five-year review of the 1994 International Conference on Population and Development, called the ICPD + 5, is to be held this summer. It will culminate in a special session of the United Nations General Assembly in New York from June 30 to July 2. The Canadian Association of Parliamentarians on Population and Development, of which I am co-chair, will be represented at that conference.

[Translation]

To conclude, honourable senators, our goals concerning the Cairo conference have already been set, and we should now remind the government that it is very important that they be reached.

The Hon. the Speaker: Honourable senators, if no other senator wishes to take part in this debate, the inquiry is considered debated.

[English]

HEALTH CARE IN CANADA

INQUIRY—DEBATE CONTINUED)

On the Order:

Resuming debate on the inquiry of the Honourable Senator Keon calling the attention of the Senate to the

present state of the Canadian health care system.—(Honourable Senator DeWare)

Hon. Mabel M. DeWare: Honourable senators, I wish to commend Senator Keon for introducing debate in this chamber on such an important and timely subject. Canada's health care system is relevant to each and every one of us, whether young or old, rich or poor, male or female, and regardless of language or ethnic origin. In fact, I can think of nothing that pervades our national life to the extent that our health care system does.

• (1710)

Our health care system is something that many Canadians feel sets us apart from our neighbours to the south, and is a reflection of how we view our society: caring, compassionate, founded on equality. It is an important factor in our productivity relative to other nations.

Above all, whether we are in good health or poor health, the Canadian health care system provides us with a crucial sense of security. We have long been able to count on our health care system to provide us with the services we need, when we need them, without driving people into personal bankruptcy. That security is a key part of the quality of life that we enjoy collectively, as Canadians. There is also the quality of life that it ensures for countless individuals. Indeed, for many, it can mean the difference between simply surviving and having a meaningful existence. For others, it can be a matter of life and death.

Honourable senators, as I mentioned, we have been able to count on Canada's health care system to be there for us and our loved ones when we are in need. However, that security is being threatened. Canadians in all provinces are worried, including patients and their families, health care professionals, and hospital administrators. It is time for politicians to start worrying, too. Action is needed now to ensure that we will be able to count on our health care system in the future.

We are fortunate to have among our colleagues a man who is a leading force in medicine. Not only has Senator Keon helped save lives many times, he has also helped build Canada's international reputation for excellence in this field. Apart from his expertise as a world renowned heart surgeon, he is also in touch with the needs and interests of Canadians when it comes to the health care system, upon which we all rely.

Senator Keon has a global perspective and, may I say, a very human perspective. Just as he sees the whole person when he treats a patient, he sees the whole system when he treats people within that system. We, as legislators, must also do the same.

It is clear from his speech on April 20, that Senator Keon put a great deal of thought into his observations on the current state of the Canadian health care system, and his conclusions about the future direction that the system must take. I am certain that we all agree with the objective of his inquiry, which is, as he stated:

...to lay the groundwork for a clear, sustained focus on health care reform.

Since we all know that something needs to be done, there is an abundance of anecdotal evidence. Almost everyone has family members, friends or acquaintances who have been let down by the health care system. The recent general elections, in Ontario and in my home province of New Brunswick, put the spotlight on health care and how the system is not working as well as it should.

Honourable senators, before I add my own observations to the substance of Senator Keon's inquiry, I should like to make a general comment. While I join him in commending the government for its recently announced health care measures, I must also point out that at least some of the problems that the health care system is experiencing are a direct result of the cuts made by the government to the funding it gives to the provinces for health care.

Under the former Progressive Conservative government, cash transfers for health, education, and social assistance climbed from \$12.6 billion to \$18.89 billion per year. The Liberals cut \$6 billion from that total. Even after some of the funds are restored in 2003, the Liberals will be spending only \$15 billion a year. That is still \$3.8 billion less than when the Progressive Conservative government was elected, and that does not include inflation. To appreciate how this translates at the provincial level, let us look at New Brunswick. In my province, transfers will be 27.8 per cent less in 2003 than they were in 1993. That is a loss of \$142 million.

As you will recall, Senator Keon, after eloquently describing the constraints currently facing the health care system, introduced an eight-point strategy which he hopes will serve, he stated:

...as a starting point for initiating an inquiry into the health care system.

Like the rest of us, Senator Keon certainly does not have all the answers. However, I believe he has helped point us in the right direction. In order to refresh our memories, the eight points of his strategy are: the need for a vision; the development of a long-term planning and policy agenda; public support of the need for change; focus on systems integration; consideration of the role of the private and voluntary sectors; stronger partnerships between the private and public sectors; a linkage between social and economic policy agendas; and to illustrate strong federal leadership.

Honourable senators, time does not permit me to do justice to all of the points set out in Senator Keon's strategy. Therefore, I should like to speak mostly about the first point, the need for a vision, because I believe you will agree that that is the point from which all the others flow. Then I shall use my province,

New Brunswick, as an example to illustrate the results that a lack of vision can have. Finally, I will say a few words about the leadership which we can provide at the federal level in terms of the second point, which involves the development of a long-term planning and policy agenda.

I feel that the need for a vision is the most important point of Senator Keon's eight points, because a vision is the foundation of where we are headed with the health care system. A vision provides the blueprint for future change and progress. Just like building a house, if you do not have a plan then it is anyone's guess as to how the structure will look when it is completed.

I am reminded of the title of a career planning book with which I became familiar during a tenure as Minister of Advanced Education and Training in New Brunswick. It was called: "If you don't know where you're going, you'll probably end up somewhere else." Just as job seekers must prepare themselves for the labour force, we also must figure out where we are going with the health care system. We must know what we want in health care. We must know what the system should look like. We must know where we are going. We must know how all the components of the system will work together, and we must have a reason and a plan for every decision that is made. In other words, all of our actions must be part of an integrated whole, just as our health care system should be fully integrated with the needs of all Canadians.

Honourable senators, when you have a vision, you have a basis from which to work. When you plan a program to modify funding arrangements, you are doing that because it helps you work towards the vision and not, as has recently been the case, because you simply want to cut costs. As a result, when the decisions are made, they will contribute towards building a system. When changes are brought in, they will help move the system forward so that everyone involved can benefit, because to have a vision means to be building towards something, and it gives a focus to all decisions that must be made. It does not mean simply trying to manage to get by day-to-day. It is not about crisis management.

Unfortunately, however, Canadians are becoming increasingly concerned that our health care system is verging on a crisis. The decisions are being made based only on the bottom line, and not for the health care needs of Canadian men, women and children.

Honourable senators, let us consider for a moment what happens when you do not have a vision. A lack of a vision, I believe, has created many of the problems that plague our health care system today, in whatever province you live. Not having a vision means drifting from one crisis to the next. It means cutting one program and having greatly increased costs show up in another program. Yet this is precisely the situation which the federal cuts, under the current Liberal government, have led to in many provinces.

Rather than being able to review health care delivery in terms of current and emerging needs, the provinces have found it necessary to scramble for ways to simply cut costs. That is not to say that there was not savings to be had in some of those areas, and I believe we all agree with that. However, when you are in a crisis mode, you risk compromising the integrity of the entire system. We all know that it is not enough to cut services and just keep your fingers crossed and hope that people will not get sick.

The consequences of a lack of vision can be nothing short of disastrous. Lack of vision leads to bottom line decision making, lack of planning, poor management of human, technological, and financial resources, and lack of input from patients, health care providers, and communities. Above all, lack of vision can result in governments avoiding their responsibility to ensure that health care needs are being properly met. These are all situations that Senator Keon's eight-point strategy, which is built upon developing a vision, aims to avoid.

Honourable senators, New Brunswick is a case in point. Health care was an issue in the recent provincial election, and it became an issue precisely because of those kinds of problems. For example, New Brunswickers, in particular those in rural areas, were facing severe doctor shortages thanks to the Physician Allocation Program. The idea seemed to be that more doctors drive up Medicare costs. Therefore, reducing the number of doctors would reduce the costs. The assumption appeared to be that people will get sicker, as necessary, to keep all physicians at the top of their billing. We are not just talking about family doctors. The number of specialists was also restricted, thereby increasing delays for patients with serious conditions to be treated. Honourable senators, this is an important example of bottom-line decision-making and its negative effects on Canadians.

• (17:21)

Another example in New Brunswick involves the prescription drug program. Again, cost, not its medical utility, seems to be the main factor in determining whether the government will fund a particular drug. Patients who need drug therapy for multiple sclerosis, hepatitis C, cancer, kidney transplant rejection and environmental illness had been living a real nightmare, and there are probably others.

Another example of crisis-driven management is the alarming reduction in the number of beds available in New Brunswick health care facilities. The number of beds is not necessarily a measure of the health care provided; however, inadequate services were often substituted in their place. This has resulted in early release, inadequate home care and long waits for surgery. In addition to the lack of beds and lack of specialists, facilities and equipment has also contributed to longer waiting lists for medical diagnosis and treatment. This has led to deterioration of health and increased remedial medical expenses.

Honourable senators, I should like to share with you one last example of the health care situation in New Brunswick that

probably applies as well to all your provinces, namely, the situation of our aging population. It is something that all provinces will have to deal with seriously in the not-too-distant future. In the case of New Brunswick, this is compounded by the fact that many of our young people are leaving the province. Therefore, our medical needs are changing and they need to be addressed. Rather than waiting for the crisis to hit, we should start planning ahead. The type of medical care needed, the facilities and the medications all need to be considered, as well as the financing. I am confident that the new provincial government will address this important matter. However, it could do so much more effectively — as could all the other provinces — if the federal government became an active partner in the renewal of our health care system.

This brings me to the final point that I wish to make today, namely, the role of Ottawa in ensuring the future of Canada's health care system. I should like to say that I concur with remarks made by our colleague the Honourable Senator Norman Atkins. When speaking to this inquiry on May 4, he reminded us that, while health care lies within the provincial jurisdiction, the federal government has an important role in the funding of health care. As well, the Canada Health Act provides the basis for much needed leadership in this critical area.

Not only can the federal government take a leading role with the provinces, health care providers, and others involved in the health field in developing a common vision of how we want the system to work in the future, but by working together they can also develop the planning and policy agenda needed to implement the vision that is set out in the second point of Senator Keon's strategy. Perhaps more important, action must be taken to ensure that the federal government will never again leave the provinces — not to mention providers and patients — holding the bag when it decides to download costs so that the books look better.

I urge all honourable senators to become involved in the ongoing debate on the future of Canada's health care system, whether in this chamber or elsewhere.

On motion of Senator Carstairs, debate adjourned.

CAPE BRETON DEVELOPMENT CORPORATION

MOTION FOR PRODUCTION OF DOCUMENTS RELEVANT
TO PROPOSED PRIVATIZATION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins:

That there be laid before this House all documents and records concerning the possible privatization of DEVCO, including:

(a) studies, analyses, reports and other policy initiatives prepared by or for the government;

(b) documents and records that disclose all consultants who have worked on the subject and the terms of reference of the contract for each, its value and whether or not it was tendered;

(c) briefing materials for Ministers, their officials, advisors, consultants and others;

(d) minutes of departmental, inter-departmental and other meetings; and

(e) exchanges between the Department of Natural Resources, the Department of Finance, the Treasury Board, the Privy Council Office and the Office of the Leader of the Government in the Senate.—(Honourable Senator Murray, P.C.)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, this motion has reached the fifteenth day. Therefore, I should like to make a few remarks on this item and return to it later, given the time of the day.

It was on February 11 that Senator Murray moved that there be laid before the house all documents and records concerning the possible privatization of DEVCO. Hansard for February 11 gives the details of that motion. Senator Graham then spoke. If you go to Hansard for April 20, 1999, you will see Senator Graham's remarks. It is in regard to a few points in Senator Graham's remarks that I want to participate in this debate.

In effect, I remind honourable senators that, in attempting to secure this information concerning DEVCO, Senator Murray took a dual route. On the one hand, he was seeking information pursuant to the Access to Information Act; on the other hand, he was taking the route of a motion for a house order for the production of documents. Senator Graham had not raised questions about the first avenue but did raise questions about the second avenue.

Let us reflect for a moment on the adequacy of members of Parliament, whether of this place or the other House, relying on access to information to study a matter of public interest.

I wish to draw your attention to an interesting book by Donald J. Savoie entitled, *Governing from the Centre*, which was published just a few days ago. In his book, Professor Savoie talks about access to information and some of the problems that are associated with it. For example, on page 290, Professor Savoie writes:

...government officials in both central agencies and line departments report that Access to Information legislation has made them reluctant to commit their views and their recommendations to paper.

The thesis of his book is that power has gone to the centre. This is the same book where we had the famous line that cabinet no longer is what it used to be but now serves in the role of a focus group. On this particular issue, namely, that if the shift of administrative power has gone to the centre and if access to government information is being thwarted because public servants have learned that it is not such a good idea to commit everything to writing, while that may be a cute strategic move on the part of public servants it is not a cute strategic move in terms of the need to have public information if parliamentarians are to meet their duty.

There are problems with us having to rely on access to information because perhaps access to information itself is being subverted by public administrators not using more of the oral tradition. That is why it is important for witnesses to attend before our committees and other bodies, namely, because we can ask questions and examine the witnesses. Things that otherwise are hidden from us by virtue of the technique of not committing it to writing can be addressed by asking the officials personally what is happening.

• (1730)

In regard to the other avenue of our committees being able to ask that certain documents be tabled, that is a right and a methodology that parliamentarians in both houses should guard with a degree of jealousy.

Senator Graham has pointed out problems that have occurred in some of our committees, such as the Pearson committee, in regard to the relationship between the executive and Parliament, and the production of documents. We also saw that difficulty in regard to the matter of the rBST issue a few weeks ago.

I agree with Senator Graham that there are problems. He drew our attention to references in Beauchesne on this subject. I was reading some observations of Erskine May in the 22nd edition of his work on the presentation of papers. I shall not delve into that subject at this time. I find the issues that have been raised so far in the debate on this motion very interesting. I should like to pursue them further.

Hon. John G. Bryden: Honourable senators, is it possible to ask a question?

Senator Kinsella: Certainly.

Senator Bryden: The honourable senator referred to a book written by Donald Savoie, from which he quoted a phrase, "cabinet as a focus group." Is that the same book and the same Mr. Savoie who has characterizations of other institutions, such as the Senate of Canada? Could the honourable senator indicate Mr. Savoie's level of appreciation of our institution?

Senator Kinsella: The book is entitled *Governing from the Centre: The Concentration of Power in Canadian Politics*. The author is Donald J. Savoie. The University of Toronto Press published the book. The date of publication is 1999.

On the subject of Parliament, there are several sections. My reading of this book is that Mr. Savoie is concerned that accountability has become more difficult for parliamentarians, and that the role of the checks and balance mechanisms that have been traditionally part of our system, including the traditional role of cabinet, have in recent years become less important.

On page 260, Mr. Savoie quotes "a Chrétien Cabinet minister" as saying:

Cabinet is not a decision-making body. Rather, it is a kind of focus group for the prime minister.

I read that line in a few newspaper articles when the book was published.

Senator Bryden: Honourable senators, perhaps Senator Kinsella would answer the question I asked: Does Mr. Savoie also refer to the Senate in his book?

It is my understanding from hearing Mr. Savoie speak about his book that his opinions are not particularly complimentary in regard to the Senate, in that the system could get along very well without us. That is not intended to be a quote.

I wonder if honourable senators would give the same amount of credibility to Mr. Savoie's position in relation to our institution as Senator Kinsella is asking us to give to the author's comments in relation to cabinet having become nothing but a focus group.

Senator Kinsella: Mr. Savoie does refer to the Senate in his book. On pages 263 and 264, he speaks of appointments to the Senate. On page 77, 107 and 108, the reference is to the Australian Senate. Ministerial appointments in the Senate are spoken of on pages 82 and 83. The role of the Senate is addressed on page 48. On page 48, there may be reference to what Senator Bryden is referring to.

My assessment of the book is that it was an interesting thesis. I would not attempt to provide a précis as to his view on the Senate.

Senator Bryden: One last question, if I may. I believe that this is the same Professor Savoie who has a series of books and studies in relation to analysis of the Atlantic region and its economy. As a matter of fact, one might say that Mr. Savoie, in some ways, has made a career out of analyzing our hardships.

I am not sure, but the reason I raise Mr. Savoie's concerns about our institution is that I believe it is the same Mr. Savoie who is alleged to have wanted to join us in our institution. From time to time, he has referred to our institution as "Heaven."

Senator Kinsella: I would respond by saying that Mr. Savoie comes from the mountain region of New Brunswick, which is the general area of origin of several of our colleagues, including Senator Bryden.

It is my hope and expectation that we have a great deal of work to be done together here, and there will be no opening for a Senate seat in that region.

However, if what I read in one of the news reports was correct, I understand that Mr. Savoie was a middle-level Liberal advisor.

Hon. John B. Stewart: Senator Kinsella referred to this concentration of power as having taken place in recent years. I heard that said as having happened under the Trudeau government. I heard it said again with regard to the Mulroney government. I hear it said with regard to the Chrétien government. Is the honourable member including all those three governments in this description?

I see heads nodding, but that is not on the record.

Senator Kinsella: For the record, it is Mr. Savoie's explicit thesis that that process began with the Trudeau era.

Senator Stewart: Does Mr. Savoie take into account the fact that, in the Pearson period, the government of that day was a minority government? Does he attribute the origin of this concentration of power to our return to a majority government?

• (1740)

The implication is that we would be much better off after the next general election if we had a minority government, let us say a minority Reform government. Is that the position?

Senator Kinsella: Honourable senators, I am not sure whether that is his thesis or not. It certainly would not be mine.

[Translation]

Hon. Jean-Maurice Simard: I would like to ask this question to Senator Kinsella: Was Professor Donald Savoie one of the co-authors of the red book, back in 1993?

Senator Kinsella: The only thing I know is that Professor Savoie is a distinguished faculty member of the University of Moncton who is interested in the economic development of our region, and is involved in several national programs as a consultant.

Senator Simard: I would like Senator Kinsella to confirm publicly that Donald Savoie, a professor at the University of Moncton, was one of the co-authors of the Liberal Party's Red Book in 1993.

Senator Kinsella: I would not be saying too much by saying that it is not unlikely that he will someday sit in the Senate, judging by the tradition.

On motion of Senator Kinsella, debate adjourned.

SEXUAL ASSAULT**RECENT DECISION OF SUPREME COURT OF CANADA —
INQUIRY—ORDER STANDS**

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cools calling the attention of the Senate:

(a) to the judgment of the Supreme Court of Canada in the sexual assault case *Her Majesty the Queen v. Steve Brian Ewanchuk*, delivered February 25, 1999, which judgment reversed the Alberta Court of Appeal's judgment upholding the trial court's acquittal;

(b) to the intervenors in this case, being the Attorney General of Canada, Women's Legal Education and Action Fund, Disabled Women's Network Canada and Sexual Assault Centre of Edmonton;

(c) to the Supreme Court of Canada's substitution of a conviction for the acquittals of two Alberta courts;

(d) to the lengthy concurring reasons for judgment by Supreme Court of Canada Madame Justice Claire L'Heureux-Dubé, which reasons condemn the decision-making of Mr. Justice John Wesley McClung

of the Alberta Court of Appeal and the decision of the majority of the Alberta Court of Appeal;

(e) to Mr. Justice John Wesley McClung's letter published in the *National Post* on February 26, 1999, reacting to Madame Justice L'Heureux-Dubé's statements about him contained in her concurring reasons for judgement;

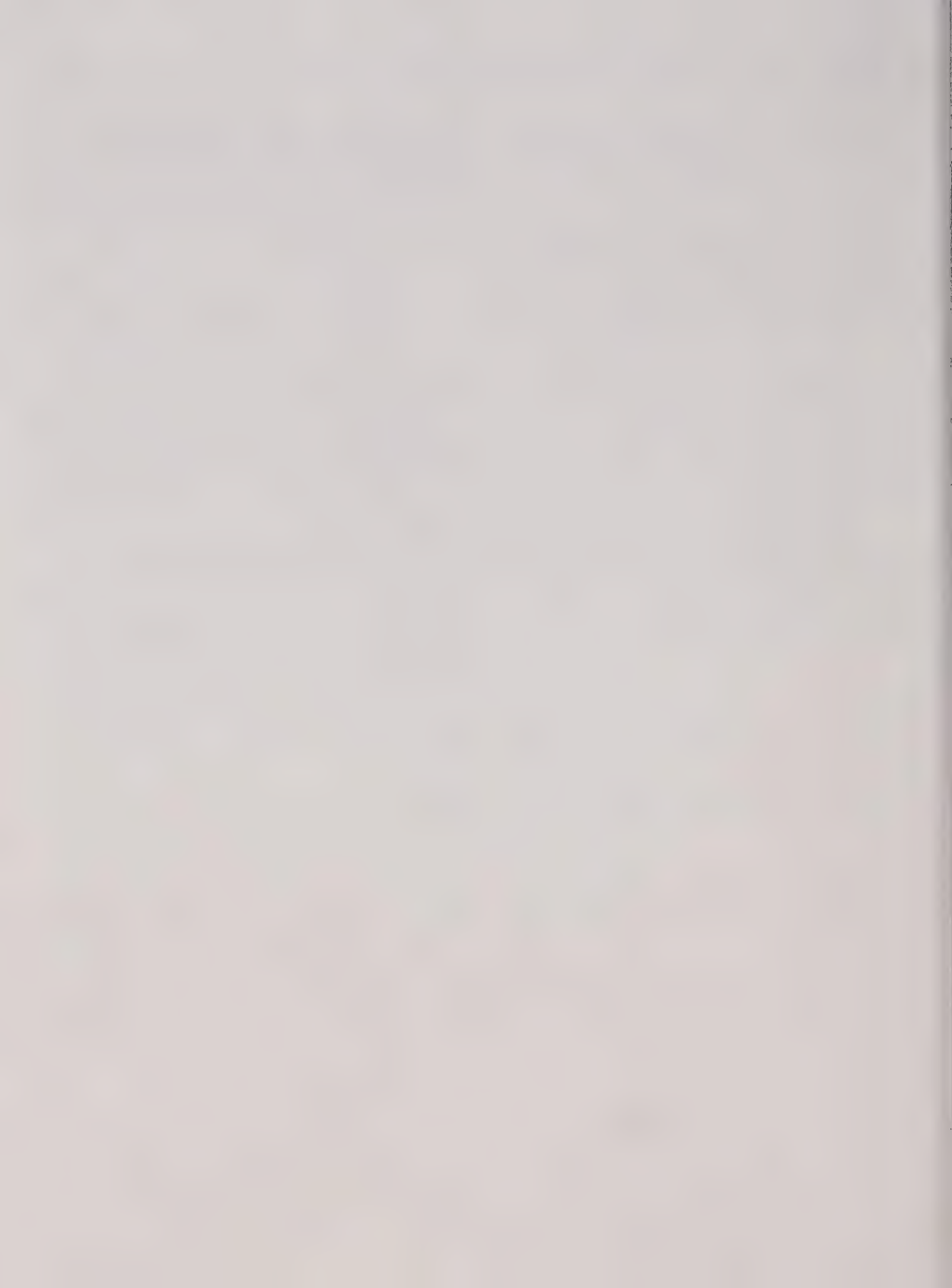
(f) to the nationwide, extensive commentary and public discussion on the matter; and

(g) to the issues of judicial activism and judicial independence in Canada today.—(*Honourable Senator Nolin*)

Hon. Shirley Maheu: Honourable senators, this inquiry has been on the Order Paper for quite some time. In view the comments made on this issue and of the request made by the Sexual Assault Centre of Edmonton, I wish to review the comments made by Madam Justice Claire L'Heureux-Dubé. I would also like to make my own, which are not necessarily in agreement with those of Senator Cools. I would therefore like the order to stand in my name.

Order stands.

The Senate adjourned until tomorrow, at 2 p.m.



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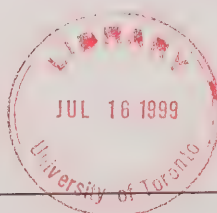
• VOLUME 137

• NUMBER 152

OFFICIAL REPORT
(HANSARD)

Thursday, June 17, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



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(Daily index of proceedings appears at back of this issue.)

Debates: Chambers Building, Room 943, Tel. 995-5805

Published by the Senate

Available from Canada Communication Group — Publishing, Public Works and
Government Services Canada, Ottawa K1A 0S9,

Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, June 17, 1999

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

THE HONOURABLE MARIAN MALONEY THE HONOURABLE MARY BUTTS

TRIBUTES ON RETIREMENT

Hon. B. Alasdair Graham (Leader of the Government):

Honourable senators, I remember so well, a little over a year ago, walking into this chamber with Senator Lucie Pépin and the newly appointed Senator Marian Maloney when some of the members of the gallery got a little boisterous. They were up in the north gallery, as I recall. In fact, one of the women present, a former cabinet minister, got really carried away, giving Marian a two-fingered whistle salute.

Honourable senators, the whistle salute was a fine tribute to Marian, but it was about a lot of other things as well. It was about the long struggle after the "Famous Five" and the good fight of 1929. It was about a new order in politics, which women like Senator Maloney have worked so hard all their lives to bring about. It was about a woman who has supported the causes of many worthy women in political life, women who have struggled against the current, women who have helped bring new levels of understanding, compassion and fairness to political life in this country.

I remember an old friend describing Senator Maloney as a second mother to her, and describing Marian's Toronto home as always open to her. She put it this way:

When you go into her house, you find kids from the Ontario Youth Orchestra making cookies, you find Boy Scouts in the living room, and everyone is coming in the front door. It's incredible, she has enough mother love for the whole country.

All honourable senators will know what that means. If you really think about the wonderful observation that God could not be everywhere and therefore he made mothers, you can take Marian as the living, breathing personification of that old proverb.

Throughout her busy life, Marian has worked tirelessly, as a businesswoman and community organizer in her beloved Thunder Bay, always giving much more than she had to, whether it was for the St. Joseph's Hospital Auxiliary or the Thunder Bay

Big Brothers, whether it was for the Toronto Chapter of the Canadian Kidney Association or the Chronic Care Hospital at Runnymede, whether it was as chairman of "Thunderama," which is the celebration of the amalgamation of Fort William and Port Arthur, or as an interviewer for Channel 7 Maclean Hunter. Whatever task she took on, Marian always went beyond her fingertips to really make a difference.

• (1410)

In this chamber, she has shown the same drive and determination on the Special Joint Committee of the Senate and the House of Commons on Child Custody and Access, the Standing Senate Committee on Social Affairs, Science and Technology, as well as the Special Senate Committee on Transportation and Security. Senator Maloney is also a member of several international parliamentary associations and is a director of the Canada-United Kingdom Inter-Parliamentary Association.

Senator Maloney, you have worked all your life for a better and a fairer society. The dramatic increase in the number of women who have successfully contested seats at both the federal and the provincial levels can significantly be attributed to you.

Nellie McClung wrote many decades ago that a woman's place in the new order is to bring vision and imagination to work on life's problems. If she were here today, in that gallery up there with your extended family, she, too, might get a little boisterous. After all, it is not every day — nor very often — that we retire someone with enough mother love for the whole country.

To you and your beloved husband, Justice Bill, and your extended family, we wish good health and much happiness in your retirement from this job.

Honourable senators, the professor emeritus of political science at University College of Cape Breton often ended her night classes at 9:30 p.m. One of her students recalled a short time ago that, "She would then drive through the streets to ensure that there was no one out on the street — a homeless person, or whatever. If there were, she would stop, put them in her car and take them to a shelter."

It would not be unheard of, witnesses attest, "for her to go right into the homes of some of these children, who were not in great shape, and get right in the middle of it. She would bring them dinner if they needed dinner, and if mom and dad needed a little bit of counselling or help, she would pitch right in there, too."

In fact, Senator Sister Peggy Butts' compassion for the poor and the disadvantaged has always been legendary in Cape Breton, in our part of the world. Born in Bridgeport, Glace Bay, Peggy worked in soup kitchens, counselled unwed mothers and, throughout her wonderful life, became a shining light in the community. Her home was about a Mark McGuire home-run distance from where I was brought up as a child. This distinguished professor of political theory understood the dangers and the insecure lives of coalminers and their families. She knew all about the hardships of their daily lives. She was living testimony to the spirit of Cape Breton — a place where, as the song goes, "If you come back broken, they would see that you mend."

Senator Butts, when you first came to this chamber only two short years ago, I said that your life's work had been based on an unconditional pledge to the well-being of your community and our people. Honourable senators, when I first met Mary Alice Butts on the frozen bogs of Bridgeport, she was a tom-boy, a hockey player and a hockey lover but, first of all, she was a coalminer's kid — not just in her heart, but in her finely trained and disciplined mind, so well respected in my part of the world.

Like Father Jimmy Tompkins and Moses Coady of the Antigonish movement, Sister Peggy always had a vision of revitalizing people and their communities. She had enormous faith in the power of individuals to become "Masters of their own House." Monsignor Coady believed a person learned by doing. He knew that real democracy would only develop if people could manage their own affairs and work overtime in their own interests. His teachings gave little people a glimpse of what is possible. He always said that to give a person a fish was to revive food for a day, but to teach them how to fish was to provide self-sufficiency for a lifetime.

Senator Butts carried this message of liberation and empowerment with her throughout a career marked by humanity and compassion. However, her strong, critical and analytical powers were an equally impressive component of Peggy's arsenal, and have been much in evidence in her work in this chamber, as part of the committee looking into the operations of the Cape Breton Development Corporation, as a valued member of the Standing Senate Committee on Fisheries, as deputy chair of the Standing Senate Committee on Social Affairs, Science and Technology, and as a member of the National Child Agenda Caucus, among many other special causes.

"Teach us to give and not to count the cost," said Ignatius Loyola. In many ways, Senator Butts personified in this chamber an ideal of justice and community service, which are the hallmarks of true leadership — the kind of leader who, as someone once said, is the servant of the people, and walks with humility behind the people.

It seems too short a time since I asked you, Peggy, at a time when you were just starting to settle into your new life here, whether you had anything to occupy some of your time. That was the night before you were sworn in, when I dropped you off at a local hotel. With a twinkle in your eye, you handed me the

1997-98 National Hockey League yearbook, which you intended to pursue and read cover to cover that night. Now, as you return to your other unpaid job, I must tell you that a lot of your admirers in this place, Canadiens fans or not, will really miss you.

I have plans, and you have plans that will keep you busy every day and every week. A thousand thanks, and God bless!

Hon. James F. Kelleher: Honourable senators, I, too, rise to pay tribute to the Honourable Senator Marian Maloney, who will be leaving the Senate at the end of this session. Despite her relatively short opportunity to serve in this chamber, the senator's conduct of office was weighted with an outstanding history of community activity, entrepreneurial spirit and volunteerism. I am confident that during her time here, many of us have benefited from knowing and working with her.

Of note is the senator's abiding pursuit of women's equality in the practice and participation of politics. As a result of her enlightened stewardship of the Judy LaMarsh Fund of the Liberal Party of Canada, the profession of politics has become more accessible to women, some of whom otherwise may not have come to this great institution known as Parliament. It is fitting that she herself was called to serve her country as a parliamentarian.

It is said that retirement is the time of life when we work harder at loafing than we used to loaf at working. It is with certainty that I say that Senator Maloney fits neither description, and will continue to be a positive force in Canada for years to come.

On a more personal note, I am also sorry to see her leave because, like me, she is from Northern Ontario. Goodness knows, the Senate is a better place because of we people from northern Ontario! Her departure will reduce our honoured ranks to two, namely myself and Senator Poulin. I can only hope and trust that the government will see fit to replace Senator Maloney with another distinguished person from Northern Ontario.

● (1420)

I would also mention that Senator Maloney's husband, the Honourable Mr. Justice Maloney, is here in the gallery today. For many years he practised law in the north, was subsequently appointed to the Supreme Court of Ontario, and later rose to be the regional judge in charge of the north, where he presided with great distinction.

Honourable senators, I wish them both many happy years to come.

Hon. Lowell Murray: Honourable senators, many years ago, our colleague Senator Butts professed the vows that pertain to membership in the Congrégation de Notre-Dame. However, members of that religious order have never been required to take vows of humility. It is therefore okay — as Senator Graham has done and as I propose to do — to lavish praise upon her head without worrying about causing an occasion of sin.

It has been our good fortune on the Standing Senate Committee on Social Affairs, Science and Technology to have Senator Butts as a member for the past couple of years and, latterly, as our deputy chairman. Senator Butts' academic credentials in education, political science and government are at least as impressive as those of the experts and specialists who appear before the various Senate committees.

What distinguishes Senator Butts from our witnesses and, let it be said, from many parliamentarians is the depth of her experience. What she has brought to the committee, in addition to her knowledge of public policy and her analytical skills, is her personal knowledge of the problems of single parents, the poor, the hungry and the homeless, the unemployed and the discouraged. For Sister Peggy Butts, these people are not abstractions; they are her people. They have names, faces, family histories and personal circumstances which she has helped them to confront.

When Senator Butts returned on weekends to Holy Angels Convent in Sydney, it was to resume her life's work with them and with those who care about them, work that was interrupted most weeks by her duties in Ottawa. She went about those senatorial duties with extraordinary thoroughness and resolve. Perhaps she followed the example of the founder of her religious order, a founder of education in Canada, Marguerite Bourgeoys. It is recorded of Marguerite Bourgeoys that, after she had been in Montreal for some years and she had lost her great patron de Maisonneuve, who had been recalled to France, she became concerned about putting her congregation and its educational work on a more permanent, legal foundation. Accordingly, a petition was taken up in Montreal and sent to France for the necessary Letters Patent.

When two years had passed without a response, this nun got on a boat and went back to France. On her arrival in Paris, she discovered that the court of Louis XIV had repaired for the season to Dunkerque, so she turned around and went to Dunkerque. She stayed at the royal court, a somewhat improbable figure, lobbying until she had tracked down the great French minister Colbert. Finally, in 1671, she emerged with what she had come for — Letters Patent establishing her congregation and its educational work by royal decree, personally signed and sealed by Louis XIV himself. Such was the grit and determination of Marguerite Bourgeoys.

Honourable senators, after two years' experience with Peggy Butts, there are ministers, political assistants and bureaucrats in Ottawa who would recognize the style.

We would all like to think that Peggy has found some common bond, or at least no grave inconsistency, between her life's vocation and her recent service in politics and Parliament. I will not press her on this point today, but we may hope she will have something reassuring to say about it and about us when she writes a memoir of her two years in this sometimes ugly place.

In our committee she has shown an unsurpassed understanding of how public policy affects the condition of real people in the

real world. As for her qualities, let me come back to her founder and repeat what the historian Francis Parkman said of Marguerite Bourgeoys:

Her qualities were those of good sense, conscientiousness and a warm heart.

It has been a pleasure for all of us to work with Senator Butts. My only regret is that she did not arrive here earlier, nor was she able to stay longer. I confess that the previous government was guilty of overlooking the strong Tory lineage in her family tree. I do hope she has derived a great deal of pride and satisfaction from her service here. If there are more like her in the religious congregations of the nation, I trust their names have been brought to the attention of the Prime Minister.

Hon. Senators: Hear, hear!

Hon. Lucie Pépin: Honourable senators, it is always difficult to say *au revoir* to colleagues who have made a real difference through their vision and insight, through their thoughtfulness and humour, through their sense of collegiality and respect, through their hard work and commitment. We are saying *au revoir* to two such individuals today, Senators Maloney and Sister Peggy Butts.

Each has left an indelible mark on the landscape of this country. Senator Maloney has helped put in place mechanisms and changed attitudes to ensure that more women can successfully participate in political life. She is a leader and a role model for the generation of women who follow her.

Sister Butts has worked tirelessly for social justice in Canada. She has done so with a very soft touch and a very strong will. She has showed us that compassion and understanding are the most effective tools for social change.

While their time in this place has been brief, they brought with them new perspectives, vast experience and great commitment to the people of Canada. These contributions will be sadly missed. Given their energy and drive, I know that their life's work will not end here.

I wish them both great happiness and success in future endeavours.

Hon. Lois M. Wilson: Honourable senators, I wish to pay tribute to Senator Maloney. She and I were appointed at about the same time a year ago, almost to the day. We did not know each other that well but we knew of each other because we have the distinction that we both spent our summers in Thunder Bay, north of Lake Superior. That is a fairly small community so that is how we knew about each other.

Marian Maloney has several things to commend her. First of all, she is the right height. When she delivers her speeches she gets up, says what she needs to say, makes her point and sits down. She always has a joke or a bit of humour in her speeches, which I think is very commendable.

• (1430)

It is important to say that hardly anyone in Thunder Bay would know who you were talking about if you said "Marian" Maloney. They all know her as "Babe" Maloney. Just last week, the citizens there threw a huge party for her. She was featured on the front page of *The Chronicle-Journal*, the paper serving Thunder Bay, with an excellent tribute. The people of Thunder Bay know, more than any one, who she is and what she can do.

One of Babe's main contributions has been in the area of volunteerism and her love of people. When I asked her what she would miss most about the Senate, she said, "I will miss people." We will miss her too.

She is also a whiz at raising money, in case any of you did not know that. If you need some money, go to Babe and she will get it for you.

Senator Maloney, we will miss you. We wish you joy in your retirement from this chamber.

Hon. John B. Stewart: Honourable senators, when I was teaching at Saint Francis Xavier University in Antigonish, I had a fair number of students who had been taught by Sister Butts at what we then called the junior college down in Sydney. They talked to me about Sister Butts, about what an inspiring teacher she was and how hard she worked them. They told me many favourable things about her. It was obvious from their performance that someone, I suspect Sister Butts, had had a major influence on those students. The explanation I formed was that Sister Butts knew her subjects and that she was keenly interested in her students.

Thus, at second-hand, for I had never met Sister Butts, I formed the view of her as a truly devout person. As I came to know Sister Butts in her new persona, that of senator, I concluded that my earlier view was correct. I have observed her most especially in the Standing Senate Committee on Fisheries where, as Senator Comeau will attest, she demonstrated that she knows the subject. She also showed that she is keenly interested in her people, especially the people in Canada's coastal communities. We and they will miss her.

[Translation]

Hon. Thérèse Lavoie-Roux: Honourable senators, I wish to add my voice to those of my colleagues on both sides of the house in paying tribute to the two senators about to leave us, and especially to Senator Butts, whom I have got to know somewhat better than Senator Maloney.

Senator Butts was first a teacher at Marymount Secondary School with the Montreal Catholic School Board. It was not an easy school. Its student body included a large number of immigrants as well as francophones, and there was a lot of friction among the children there. She was an unparalleled educator. Her departure left a great void.

I want to thank her especially for supporting me during debate on Bill S-29. It is too bad that she is leaving before it is referred to a committee. I will keep her informed of developments. Senator Butts understood that this bill was not about euthanasia, but about the protection of care givers and those receiving care. There must be no confusion between the two. If there is to be a debate on euthanasia, someone will have to introduce another bill. People must understand this. Senator Butts understood it from the start.

She contributed very positively to a number of other committees. We appreciated the work she did as deputy chair of the Senate Standing Committee on Social Affairs, Science and Technology.

I am sure that Senator Butts will not be resting on her laurels. She must continue to be active in her community. I am delighted for her. Nova Scotia also has specific needs in education and in all other areas as well.

Senator Butts, I thank you for your contribution to the Senate and wish you all the best in the years to come. I am sure you will spend them just as productively as you have the years gone by. I wish you much happiness and success.

[English]

Hon. Lorna Milne: Honourable senators, if I seem to have been on my feet in this place quite a bit recently, it is because I have been losing many friends from this fast turnover corner of the Senate.

Sister Peggy, your deep compassion for the people of the Maritimes, and particularly for your fellow Cape Bretoners, has come ringing through, along with your very realistic assessments of what should be done and what cannot be done to help them. As your seat-mate, I have been privileged to share your clear eyes and acerbic comments upon many of the actions in this place and your often sharp dissection of the people involved on both sides of the chamber.

Honourable senators, when my husband, Ross, was here last week, we ran into Sister Peggy in the first alcove to the right in the parliamentary restaurant. Ross and Peggy were immediately involved in a deep discussion of some sport or another. I think it is played on ice, Senator Mahovlich, and it is basically Canadian. In fact, Ross is cheering for some team that is typically Canadian, located in a city just south and east of Niagara Falls, with many of the players born in Canada, but with a goalie who emigrated from the Czech Republic. They are playing in the United States for big bucks. Sister Peggy was telling him about that contest — typically Canadian. I must tell you, Senator Butts, that Ross was fairly quiet about his team until Tuesday night.

Perhaps I should not do this, but I will let the Senate in on a little secret of the Liberal Senate caucus. Sister Peggy's reports to caucus were always the very best — short and sharp, usually just one or two sentences that went straight to the heart of the matter, no fooling around whatsoever. She set an admirable example for the rest of us.

Sister Peggy, you have been a breath of fresh, cold Atlantic air blowing through this place. Your office here has been wide open to all comers. You have dispensed tea and sympathy to all, including my own staff when they needed it. On their behalf, I thank you as well.

To many of us, being here in the Senate is the culmination of a life's work, but to Sister Peggy it has been an interruption. We all will miss you, but I know you are happy to be leaving the Senate interlude behind and to be going home to your real life's work.

I will stay on my feet for a while longer because I want to add something to the tributes to my friend Senator Maloney — perhaps a short reference to her pride, not an overweening personal pride but a self-effacing and justified pride in what she has accomplished in her life.

Marian may seem like a rather small dynamo, but she has a justifiable pride in both her Irish and Saskatchewan heritage, pride in her strong attachment to the Thunder Bay area, pride in her fierce political partisanship, in her effective and efficient community activity, in her belated calling to the Senate, and most particularly, in her family and her beloved husband, Bill, the Honourable Mr. Justice Anthony William Maloney.

• (1440)

Senator Marian, you have been a loyal and feisty friend to so many of us in the Liberal Party for a very long time. I thank you for all of you have done, but I have to tell those senators who have not run afoul of your sometimes rather fiery Irish temper that there is one transgression they must never make. Never, ever spell Marian with an "O." A well-known Liberal told me yesterday that he made that mistake once — just once — and he was the admiring recipient of an obviously well-practised litany on the facts of life. The female version Marian, according to our Marian, is always spelled with an "A," and Marion, the male version, is spelled with an "O." Furthermore, if she had been male, her father would have spelled her name with an "O."

As Senators Graham, Kelleher and others have said, Marian, through your fund-raising efforts on behalf of female candidates, you have done more to encourage women to take a full part in the electoral process than anyone else I know. I thank you and congratulate you for that, too. I know that you plan to continue your fund-raising.

For any Liberal senator who has forgotten, Marian has an event planned for next Wednesday, June 23, the First Annual Judy LaMarsh Golf Tournament. Tickets are \$200 if you intend to play golf, \$100 if you are just there for dinner.

Marian, my friend, here is my cheque.

Hon. Aurélien Gill: Honourable senators, by way of a tribute to Senator Butts, I will set aside the countless accomplishments of a long and illustrious career. Instead, I will relate a personal story about the year she and I studied, travelled and explored the

world together, discovering ourselves and the incredible wealth and diversity of our country along the way.

The time was 1977 at the Fort Frontenac Theatre in Kingston. Senator Butts and I were both enrolled in the National Defence College. Our class, the college's thirty-first course, consisted of people from varied backgrounds and numerous countries: military, civilian, diplomatic, Canadian, British, Australian and American. As some of you may know, the purpose of the National Defence College was to train senior military and civilian officials for high-level appointments by having them study several aspects of national and international affairs in relation to Canada's security.

During the intense year we spent together as classmates, Senator Butts and I attended some 600 conferences, travelling to all continents, landing in such far-off and exotic places as Honolulu, Tokyo, Beijing, Shanghai, Calcutta, and several places throughout Africa, Europe and the Middle East.

As we were discovering much about the world and ourselves together, strong and lasting personal bonds began to emerge. That is how Peggy, a nun from Cape Breton, Norm Bélanger, a superintendent with the RCMP, and I, as a chief from the Masteiash/Point-Bleue Reserve, grew very close. The three of us, though from completely different backgrounds, became inseparable, even playing a few pranks together, like the time we were at the Berlin Wall, secretly taking pictures. Being with the RCMP, Norm knew a thing or two about this, and had carefully given us some pointers. The communist guards at Checkpoint Charlie never even suspected that we had snapped a few souvenir photos.

Travelling around the world at a dizzying pace often left us wondering where we were, at times even making us a little homesick, but the friendship that had developed between Norm, Peggy and I quickly dispelled any clouds that might have gathered. Besides, since we were three peaceniks surrounded by so many military people, the bonds linking us became even stronger.

The year we studied together is filled with wonderful memories of learning and discovery. I could relate many anecdotes of the great times we had together. For instance, I remember the time we were in Lahr, West Germany, when our supervisor asked for a volunteer to go up as a co-pilot in a CF-104 jet fighter. One of the first to put up her hand, displaying her great courage, was Senator Butts. She threw on a pilot's uniform, jumped into the cockpit, and tore off into the bright blue sky, even taking over the plane's controls for a while. Closer to thee, my Lord! Peggy, indeed, knew how to display her faith and courage.

On another occasion, we were flying to Yugoslavia in a Hercules airplane, caught in a storm, drinking Mouton Cadet. The plane pitched and tossed as the storm raged outside, but we were not worried. We knew Peggy's prayers would pull us through and bring us to a safe landing.

One episode which very much embodied our friendship in my mind took place one evening in a quaint little bar in Lisbon. Norm Bélanger, being somewhat of a poet, musician and showman, sat down at a piano and entertained us with songs by Brel and Aznavour. Together, we sang the night away, delighting in much-needed time off from our exhausting schedule.

Of course, I will never forget the time we were in Calcutta when Peggy introduced us to Mother Teresa.

A year is a very short time, yet more than enough to discover the world's manifold wonders, forge lasting friendships, and fill the heart with splendid memories whose echoes resound vividly to this day. Indeed, the time that Peggy, Norm and I spent at the National Defence College was exceptionally memorable and very rewarding.

The sad note in this story is that Norm died some years later. Afterwards, our lives and careers followed different paths, and we lost sight of each other. However, absence does make the heart grow fonder, and I remember how delighted I was to hear that Peggy had been appointed to the Senate in September of 1997. I kept the press release announcing the good news for a long time, telling myself I absolutely had to get in touch with her. It was only when I was appointed here myself a year later that I had the pleasure of seeing her again.

Honourable senators, I will conclude by saying that whether it was as her classmate at the National Defence College or as a fellow senator, Peggy Butts never failed to impress me through her wonderful qualities and her complete authenticity.

Dear Peggy, I remember how disheartened I was when we took leave of each other at the end of our term at the National Defence College. Today, I once again am faced with a deep feeling of loss. Your wisdom, your heart, your kindness, and most of all your wit, will be sorely missed in this place. In the words of Lord Byron:

Fare thee well. And if forever, still forever, fare thee well.

[Translation]

"Adieu! et quand ce devrait être pour toujours, eh bien! pour toujours adieu!" And in our case, au revoir!

[English]

The Hon. the Speaker: Honourable senators, I did not realize it was the role of the Speaker to hear confessions, but I will now hear the Honourable Senator Cools.

• (1450)

Hon. Anne C. Cools: Honourable senators, I join colleagues from both sides of the house in paying tribute to our retiring Senators Maloney and Butts.

Both of these senators are splendid women. I would add that they are women of pleasant nature and disposition. I would also

add that their lives have been remarkably different and yet similar in many respects.

In Toronto, Senator Maloney is called as "Babe," Babe Maloney by those of us who know and love her. Babe is many things, but the one thing she is, is a very kind and generous woman. En passant, Babe and I share many friends and supporters who included the late Judy LaMarsh and the late Margaret Campbell. A few weeks ago, as a matter of fact, Babe and I attended Margaret Campbell's funeral in Toronto. I wish Babe and her husband, Mr. Justice Maloney, a most distinguished jurist, and their families all the best in her retirement.

About my dear friend Sister Butts I wish to say that she is a remarkable and highly educated woman, who, as a nun, served God and the community. Where Senator Maloney is married to an earthly justice, Sister Butts is married to the highest justice of all.

Sister Butts is deeply devoted to her church and God, and deeply devoted to Christian public service and the great sense of the common good. I often call Senator Maloney "Mother" as nuns were called by their students. Many of us have long forgotten the enormous influence and power that women used to hold in the churches. Many of us have forgotten the old Mother Superiors. However, when I was a young girl, we did not say "Sister," we said "Mother."

I should like to wish Sister Butts well in her retirement.

I note that these two women were born one day apart. One was born on August 15, 1924 and the other on August 16, 1924.

In closing, Senators Babe and Mother, your love touched us all. Your presence in this chamber enriched us all. We are all privileged and blessed to have had you with us, albeit for a short time. To both of you, and to all of your supporters, I say, Godspeed and good luck to you in your next assignment.

Hon. Joan Fraser: Honourable senators, this morning on CBC radio in the introduction to a news broadcast, the reporter uttered a headline, "Nice returns to Ottawa," and I thought spontaneously, "Oh, they are talking about Marian Maloney."

I am one of the newer arrivals in this place. However, I am sure that all honourable senators remember feeling a bit strange when they first arrived here. I felt stranger than most, I imagine, because my career had been so completely different. Everybody was welcoming and wonderful, but Senator Maloney was one of the most welcoming and wonderful members of this chamber.

One cannot meet Marian Maloney without immediately liking and trusting her. I did not get much farther than that. I just thought "This is a wonderful, gentle, nice and lovely human being," and I would turn to her for little words of advice, which she would give in a good humoured and often self-deprecating way.

I was floored to realize that this tiny, perfect human being had also been a tiny, perfect political organizer for decades. She is the kind of person who gives political organizers a good name. She has been my companion on a daily basis on the way to work whenever we have been in town, and has helped me face the day with good humour and good sense. I have been grateful for her warmth and for the privilege of her friendship, however brief.

I now turn to Senator Butts. I learned quickly not to sit beside Sister Butts in any meeting where it was important to preserve senatorial decorum because, as a number of speakers have noted, her vision of Christian charity does not encompass suffering fools gladly. Whoever sits beside Sister Peggy Butts receives a non-stop commentary on the affairs that are going on at the centre of the room, frequently consisting of things like, "That fool's already made that point, why doesn't he sit down?"

I once spent a few short weeks in the clutches of the *Congrégation de Notre-Dame*. It was not an experience that lasted long. I am sure that they were very glad to see the back of me. However, it was long enough for me to learn that, in that order, the pursuit of excellence is a daily affair. To pursue excellence in all fields is what one is supposed to do with one's life.

Sister Butts is a daily reminder of how important and how valuable that work is. She has brought honour to her order. I am not surprised, because she is a Nova Scotian, and all of us who hail from Nova Scotia, whether originally or permanently, know that Nova Scotians are a special breed.

These are two women who, to a newcomer to this chamber, have exemplified much of what is most precious: integrity, good humour, intelligence and a belief in the search for what is right. I count it a true privilege to have had some time together with them.

Hon. Nicholas W. Taylor: Honourable senators, it is a pleasure for me to join a host of others today to say a few fond goodbyes to Senators Maloney and Butts. They come from this corner. One has been a seat-mate of mine since she came to the Senate; the other is just one seat removed, so we have had many good times together.

We in this corner are a little miffed that Senators Maloney and Butts were moved up to the centre of the house in order to receive their accolades. Really, we should have liked to have had the television cameras shining back into this corner, where all the talent is. However, I can understand, publicity being what it is, that it was necessary to have two such talented individuals in the middle so that they could be seen.

As a seat-mate of Senator Maloney, I have had the benefit of hearing some of her jokes and comments. Most of them are repeatable. It has certainly been a most enjoyable time.

I have known of her reputation for some time. She is legendary, both as a doer and as a loyalist. For some years we in

the west not only knew that she was from Saskatchewan, but have always looked upon the residents of the Lakehead as really being westerners. It was a mistake in Confederation in a way that Northern Ontario was not interpreted as being "west" and was somehow added to that highly industrialized, smokey, smog-ridden area called Ontario.

To think of Senator Maloney retiring is no more possible than to think of Gordie Howe retiring. I can imagine her circling the Liberal nets and firing shots over to the opposition for years to come. I hope that she does so, and that I shall meet her often while doing so.

• (1500)

Sister Peggy Butts was a great deal of fun. She brought back memories of when I went to a high school run by nuns out west half a century ago. At that time, a good many of our school-teaching nuns were imported from Cape Breton, which is why Sister Butts brought back many fond memories.

Senator Murray broke faith, in a way. I do not know if he was giving away secrets of the confessional, or just secrets, by saying she may have some Tory lineage. That could hurt, senator.

When Sister Butts had only been in the Senate about a week, a notoriously mathematically challenged columnist published a list in *The Ottawa Citizen* indicating that Senator Butts had been absent 90 per cent of the time. Obviously, he did not know that she was a new appointee, and he had done his calculation based on the entire year. I will not expand on what Sister Butts said when I asked her what she would tell Mother Superior about being missing 90 per cent of the time.

Seeing the joy that Sister Butts got from protecting the Bluenose caribou in the Standing Senate Committee on Energy, the Environment and Natural Resources almost made it worth being on that committee for the year.

Senator Butts will not be retiring. She will continue to work very hard.

Senators Maloney and Butts are perfect examples for the argument that the retirement age of senators should be changed to 80.

Hon. Landon Pearson: Honourable senators, I feel privileged to have worked with Senators Maloney and Butts. It is a great loss that they must leave us so soon.

Senator Maloney joined the Special Joint Committee on Child Custody and Access shortly after her appointment, and brought her clear-eyed sense of what really matters to our challenging work. I found her a great help as we picked our way through political and emotional minefields, and was always comforted when I looked up and noted her strong presence at the other end of the table. She reminded me then, just as she has reminded us all during her regrettably short time here, what it means to be a true Liberal.

Sister Peggy and I served together on the caucus committee concerning the National Child Agenda, where she always brought us back to real families struggling with real poverty. Sister Peggy's categories have not hardened with the years. Her shrewd and lively eye distinguishes clearly between the true and the not so true. We will miss her in this corner of the chamber. We will miss them both. We have been fortunate to have them with us.

Hon. Dan Hays: Honourable senators, I wish to say a few words of tribute on this both sad and happy day.

Following Senator Wilson's example, I should like to say that Senator Maloney is the right height, but she is also of the right party. That is how I have come to know Marian-with-an-"A" Maloney. I am one of those who made the mistake, perhaps even twice, of spelling her name with an "O," although I will blame someone else for the second occasion.

Senator Maloney has been a marvellous example to all who are interested in politics and public life. I refer to her fierce dedication to the cause of increasing the number of women in the Parliament of Canada. She has promoted this cause in many ways. Her support of the Judy LaMarsh Fund has been mentioned, but that is only part of what she has done to ensure that today we have more women in the Parliament of Canada than we ever had before.

That is a happy circumstance, in part because, for the last year, she has filled a seat in this chamber, but more so because, through her support for the cause of increasing the number of women in Parliament, she has raised the confidence of women to run for office. As well, she has given them the financial means to run and win.

Much has been said about you today, Senator Maloney, but I wish to emphasize that aspect in particular. Thank you very much for that. I wish you continued success in that cause.

Congratulations to you on your good work here, and to your family and friends who are present today.

I have come to know Senator Butts only in her time here. I will never think of Tuktut Nogait National Park without thinking of Senator Butts. Now that I know she was a CF-104 pilot at one time in her career, I can see from where her determination and tenacity come. Of course, it is from her life's work. It has been a privilege to have her example here. I have certainly learned from it, as I know we all have.

Congratulations and best wishes to you, Senator Butts. Thank you for your example, and for all the hard work you have done for Canadians.

Hon. John G. Bryden: Honourable senators, before having met Senator Maloney, I walked into the reading room where she was holding court. When I entered, she said, "Oh, young man," which raised her in my esteem immediately. "Would you please

bring me that little plate of crackers and cheese. I have to eat quite frequently, you see, because I have a small problem with diabetes." That was my introduction to this wonderful woman, and that is the informality with which I imagine she has treated people all her life.

Senator Maloney and I had the opportunity to get to know each other on the occasion of the farewell dinner in the foyer. I was seated with Senator Maloney and her son, along with Senator Pépin, Senator Mahovlich, and Senator Poy. The one thing we did not talk about that night was politics. We talked of many other things. It was a most enjoyable time which I will remember for the rest of my life.

I wish you and your family all the best in your retirement.

When I first came to this place, some viewed me as being somewhat combative; indeed, some may even have said partisan — so much so that in his welcoming comments, Senator Lynch-Staunton instructed me that "This is a place of cooperative wisdom and not a partisan one." It is interesting to note that those were the only non-partisan words I heard from him in the next two years.

Nevertheless, with that instruction, I tried to be a model of decorum. However, try as I might, occasionally that little red devil sitting on my shoulder would get the upper hand and make me interrupt, or heckle someone.

Then came Sister Peggy Butts. The little red devil disappeared and I had a Catholic nun sitting on my right. Instead of that little red man, when folks on the other side were waxing eloquent, I would hear Sister Peggy whispering, barely audibly, "That's rubbish. That's not right. They can't get away with that."

When we return to this place in the fall, fellow senators, I do not know whether the little red man will be back but, unfortunately for me, Sister Peggy will not be sitting nearby. I will miss you, Sister Peggy, as will we all.

[Translation]

Hon. Marie-P. Poulin: Honourable senators, today we pay tribute to the Honourable Senator Butts and the Honourable Senator Maloney. They are leaving us much too soon, but both of them leave behind a valuable legacy. They have shown a generous willingness to be available to others, a solid sense of ethics, a deep respect for others and, above all, a passion for Canada.

[English]

• (1510)

Honourable senators, since these two women share so many common values, may we conclude that their fine minds and great hearts found their nourishment in the regions from which they come — Senator Maloney, from Northern Ontario, and Senator Butts, from Cape Breton Island.

Let it be known before they leave that both of them are "betting women." When you bet with Senator Butts, you are in for a surprise. She bets "decades" — sometimes, a full rosary! I must admit that I have lost a few, so I have had to recite a few. Senator Maloney, ever faithful to Northern Ontario, bets nickels to remind us all of the importance of the mining industry and the big nickel in Sudbury.

Warmest regards to both of you. It was both an honour and a pleasure to serve with you in the Senate of Canada.

Hon. Joyce Fairbairn: Honourable senators, this afternoon you have heard all of the things that Marian has done with her life. It is an exhausting list to contemplate. In a weak moment at her farewell reception the other night, her spouse, Bill, confided in me that he is in a state of considerable agitation at the thought that she will be home, again, working three phone lines, 24-hours a day, to keep in touch with all her contacts — which she will do because, for Marian Maloney, people are everything.

We have been good friends for a very long time; in fact, as we came into the chamber today, Marian said that it was certainly a longer time than either of us would care to admit. It has been a joy to have her in the Senate, where she has left an impression, as others have said, of kindness and warmth. I must tell you that she also has worked enormously hard. In the end, whenever I think of Marian, I think of laughter.

One thing that I want to say as well today — as has been mentioned strongly by others and, in particular, by our colleague Senator Hays — is that the core of Marian's contribution has been the intensity of her desire to promote change by helping others to get up and get going, to use their abilities in life to the fullest. Much of that determination has been exerted within the Liberal Party of Canada, to its great good fortune.

I do not hesitate to use the words "politics with pride." The political process, after all, is at the heart of our democracy and we should not be timid in acknowledging that fact.

There is nothing timid about Marian. For her, our politics has been a process with a flaw. For so many years, women were almost characterized by being welcomed only on the sidelines, when they did their little "supportive thing" for the benefit of male leadership. That is not an exaggeration. Marian has lived through it, going back decades. She has done more than any single person within our party to encourage and to assist women to aim for the top. She is the mother of the Judy LaMarsh Fund, on which my husband, Mike, has served so proudly with her for so many years. Through that fund, she has enabled women in our party not only to get nominations, but also to actually win. There are 36 of them sitting over in the House of Commons now and a lot of the credit goes to Marian. All of us owe her a huge "thank you" — particularly when we know that, as long as she breathes, she will never stop her efforts.

It is a joy to have you here, Marian. We are sorry to see you go. I know we will miss you here, but we will meet constantly on the trail.

Next, there is Sister Peggy Butts. All I can say is: What a woman! What a disciple! What a leader! How lucky we have been to have had the pleasure and the stimulation of working with her in the Senate. She has brought with her a tremendous background, in terms of the activism of caring for those who need help the most, and she has offered it generously in the work she has done in this place.

Sister Peggy is tough. We have heard that this afternoon. She cloaks it all in a sense of humour. The combination is potent, which I learned early on in one of our first caucuses when she conveyed to me that some of the words I had used in the heat of a political moment might best have been tempered or left unsaid. I immediately concluded that this rebuke was coming from a higher authority and have tried to modify my vocabulary ever since.

Sister Peggy broke new ground in coming to this place. Her all-too-brief engagement here will remain forever a point of history of how much our public life is enhanced by the experience, wisdom and sheer grit — if I may use that word — of citizens from every part of our society, including religious orders.

It has been said that Sister Peggy does not suffer fools gladly. She also does not mess around with mindless rhetoric. She gets to the point and does the job, and truth and honesty had better be at the foundation of any equation, as I learned from some of the work we did together.

I spoke to her two days ago about how sad I was that she could not stay. She told me not to worry. She said, "It doesn't matter where you are." Her motto has always been that, in her life, she has tried to help as much as she can wherever she is.

Sister Peggy is a realist. She knows that, in this life, none of us is perfect. May I say, Sister Peggy, that I think you are very nearly perfect. I hope we will have time to meet again as you continue to pursue your special work with all of those thousands of sisters in your order.

[Translation]

Hon. Léonce Mercier: Honourable senators, obviously, everything has been said. You are both calm and admirable women whose beauty shines through. You are therefore worthy of being held up to you as an example to others.

I wish to present you with a certificate of appreciation from the Prime Minister. In French, it reads as follows:

C'est avec un grand plaisir que je vous offre mes chaleureuses félicitations à l'occasion de votre retraite. Votre service à l'endroit du Canada est très apprécié.

My colleague Senator Pélipin will read the message in English and make the presentation.

[English]

Senator Pépin: Honourable senators, I have a certificate that is addressed to the Honourable Sister Peggy Butts. The Senate of Canada. It states:

It is with great pleasure that I offer you my warmest congratulations on the occasion of your retirement. Your exemplary service to Canada is appreciated.

Jean Chrétien
Prime Minister of Canada
Ottawa 1999

• (1520)

The Hon. the Speaker: Honourable Senator Butts, is it your pleasure to add to the confessions?

Hon. Mary Butts: Honourable senators, I want to thank all of you for your kind words. You must know that this is not the first time I have retired, nor do I expect it to be the last.

I want to especially thank those who have been so helpful and, at times, inspirational to me. I am particularly grateful to our leader, Senator Graham, for his patient leadership, and to Senator Stewart, who was my sponsor and who has been very supportive ever since.

I want to recognize Senator Comeau, the Chair of the Standing Senate Committee on Fisheries, who led that committee through many rough waters; and to Senator Murray, the Chair of the Standing Senate Committee on Social Affairs, Science and Technology, who brought our work through some difficult discussions to what I believe is a worthwhile concluding report.

I want to thank the Speaker for his patience and the clerks and commissionaires for their cheerful assistance. I want to thank my one and only assistant, Claire, for her unfailing devotion to our work.

I also want to thank the pages for their kind attention and to wish them success in their studies, and light on the road to their futures.

I want above all to thank all of you for your support and your friendship. I may be one of those who leave this chamber of sober second thought more sober than when I entered it. I may be one who leaves it less comfortable than I was when I was sworn in. Let me mention a few of the things I have learned in two years in this chamber.

I know that there are not just cold wars and hot wars, there are also wars of words.

I have learned that Prime Minister John Diefenbaker was correct when he said that Robert Stanfield was the only one who believed that Question Period was about asking questions and giving answers.

I learned that it takes a long, long time to get something done, and that one cannot be in a hurry here. I spent almost five months of my two years trying to retain the original boundaries of a park in the North because I learned that caribou mothers and babies needed the place. I will never know whether they did get to enjoy it, but neither will I know whether the stockholders of Falconbridge and Darnley Bay get a smaller return on their stocks because they did not get the land for mining.

What I did get for that effort was a promotion to the rank of Mother Superior from some of my colleagues. I did not say, "Been there, done that," since my promoters had no jurisdiction outside these walls, anyway.

I look back at the time I spent on the question of what one should call a Gentleman Usher of the Black Rod when a woman takes the job, and how important is it to the people we serve whether in the English language the word "sufficient" can ever mean "majority" and how we can ever make the word "compensation" into a synonym for "compassion."

Each evening when I have gone home from here, I have asked myself what I have done for Canadians, especially the marginalized among us. More often than not the answer has been very, very little.

One positive thing, I have decided, is that senators do not have to worry about any abolition movement from the far east of this nation. When I accompany Senator Graham in bringing some finances or cutting ribbons or eating cake, someone there will invariably say:

We never heard of the Senate until you two came here.

Of course, that is a tiny, positive result of having no members of Parliament on the government side. For my part, I quiver when I think of the poor job I made in teaching Canadian government for 26 years. The problem is that the textbook makes it look easy when it describes the process. However, it cannot describe the personalities, the practice, the craft and the conflicts of interest that interfere to slow it up. I intend to do some lectures at my university, and I will be able to tell them how it really works.

My greatest going away present was the final hoop through which I believe I jumped successfully this morning to get the finances for food for a breakfast program for hungry children in up to 30 elementary schools in my region.

Hon. Senators: Hear, hear!

Senator Butts: This will be set up in September, I hope, with the help of school officials and parents. This program will be evaluated every six months to show whether it is a worthwhile investment for taxpayers' money.

I will also return to my church office and try to help the needy, one on one and hands on. As I do that, I promise to keep all of you in my prayers and good wishes; that you will make merit-driven decisions and, as we pray daily, serve ever better the cause of peace and justice in our land and throughout the world.

Hon. Senators: Hear, hear!

Hon. Marian Maloney: Honourable senators, one year and two days ago, I was installed in this great chamber. I considered it an honour then and I consider it an honour now.

It has been a very memorable year. So many people went above and beyond the call of duty to assist and guide me. I really needed their help. Most new senators do. I have known our Speaker and our leader in the government for many years. They have been so kind to me. I cannot tell you how much I appreciate that.

Before I came here, I knew a lot of people but I did not really know Senator Sharon Carstairs. I had been to a fund-raiser for her many years ago in Manitoba. That was my only real exposure to her.

I must tell you, Sharon, that I leave here with you as my heroine, because I think that you work long and hard and with such great dedication that I will never forget you.

I do believe in family. I think the Senate is a family. I want you to know that the other side has also been very good to me. In fact, Senator Di Nino saved my life. I went to Senator Bosa's funeral and, as I was leaving, I fell. Senator Di Nino came running over to help me and I was so grateful — that is, until yesterday when he told me that he had come running to help because he had heard that Mulroney had fallen. I appreciate it, anyway.

• (15:30)

I could not leave this place without telling you that I think that every member of the staff is wonderful. I mean that sincerely. There was nothing they would not do or a time when they were not there. I appreciate everything that they have done for me over the past year. They have been wonderful.

I could not leave without expressing my thanks to these wonderful pages. I happen to think that the future of Canada is in good hands with such intelligent, hard-working and wonderful young people.

A long time ago, some one asked me, "Why are you a volunteer?" As you know, my main theme this year has been the Year of the Older Person and volunteerism. I am a volunteer because I have been given so much in my life that I feel I should give something back. I have attempted to do that. I do not really know what the word "retirement" means, so I will probably continue to do what I can to make this country a better place to live, although it is so wonderful right now.

The day of my swearing-in ceremony was a wonderful occasion. My family were all here. I was sworn in with such wonderful people. However, at the reception afterwards when all the pictures were being taken, my three sons were very busy having their picture taken with Frank Mahovlich. They wanted

their chance to meet their hockey hero. I finally had my picture taken with Senator Mahovlich's sons, which I hung proudly in my office.

Senator Butts is so perfect. I must confess that I have supported women and will continue to support women. However I supported Senator Hays when he ran for president of the party against a woman. That is my confession for the day, Sister Butts.

I did not know until today how much Senator Butts and I have in common. I have told a few senators from Quebec that they could not leave because if they did, I would get the Montreal Canadiens. Now I understand that Senator Butts shares my enthusiasm for that hockey team. Whenever we were out and there was a hockey game on, I was the one who had to get the scores and know what was going on. When Montreal was out of the play-offs, I was out of the play-offs. Let me tell you that that was not easy, living in Toronto.

My Senate life has been wonderful. I have learned so much from all of you. You have been all very kind. When I travelled across the country with Senator ForreSTALL and his committee, everyone looked after me as if I were their little girl and not the mother. I appreciate that so much.

Senator ForreSTALL: You were a joy to have with us.

Senator Maloney: Thank you.

Honourable senators, it was a great honour to serve with Senator Pearson on her committee. I know that her children's agenda will always be of interest to me. If I can be of any help, I am sure you know that I will be there.

I will not forget this place. I have enjoyed working with every one of you. I thank all of you for being so kind. Before I go, I must tell you that I am completely grateful to my own staff, to Anna and Angie and now Anthony. I could not have managed without them. They kept me on the straight and narrow. Anything that I did right was done right because they were there.

There is something I told every one when I came, and I have repeated it several times, is that —

Hon. Fernand Robichaud (Acting Speaker): Honourable senator Maloney, I regret that I must interrupt you, but I must call the deferred vote.

[Later]

Senator Maloney: Honourable senators, I have only one more thing to express, and that is my thanks. When I entered this chamber, I told everyone that it was the fifth happiest day of my life. I made a mistake — it was the sixth. There was the day I was married, the days my three sons were born, the day that my son Michael gave me my first beautiful daughter-in-law, Lisa, and this is number six.

Honourable senators, I want to thank the Lord for all he has done for me and my family, and for all of my friends and neighbours. I believe that no one has been more blessed than I.

Hon. Senators: Hear, hear!

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I should like to apologize to Senators Butts and Maloney for interrupting Senator Maloney and the flow of the tributes. I hope they will understand that there are certain basic rules of this place that must be followed. It was only for that reason that I stood up, and with great discomfort, at that.

I am most appreciative of the work that the two senators have done. I knew that by interrupting it would upset them both. That was not the intention. It is just that certain rules must be followed, otherwise the rule book might as well be thrown out. It was in that spirit that I interrupted. It was not meant to be personal whatsoever. I apologize for any distress it may have caused both honourable senators.

BUSINESS OF THE SENATE

The Hon. the Acting Speaker: Honourable senators, according to a previous order, we have a recorded division at 3:45 p.m. preceded by a 15-minute bell. I am in your hands as to whether we proceed with the bell right now or, if there is unanimous consent, we allow Senator Maloney to finish her statement and then proceed to the vote with a 15-minute bell.

Is there unanimous consent for Senator Maloney to finish her statement?

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, on a point of order. I think this is highly irregular. There is a house order for a vote at 3:45. Arrangements have been made on both sides to honour that schedule. I find it highly irregular and improper that we should change the rules at the last minute.

With all due respect to the outgoing senator, it is highly improper and irregular, and we object.

The Hon. the Acting Speaker: Honourable senators, we will proceed, then, to the recorded vote, to respect the previous order. Even though we are five minutes late, I hope we have consent for a 15-minute bell, so that we can keep to our schedule as closely as possible.

Do I have the agreement of all honourable senators?

Senator Lynch-Staunton: Honourable senators, the Acting Speaker cannot change the rules like that. The order was that the bell would ring at 3:30 p.m. and the vote would be at 3:45 p.m. He has violated the house order. I do not think he can say at the

last minute, "Let us have leave to do it at another time." This is an important vote for both sides, and we have arranged our schedules accordingly.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with the greatest of respect to Senator Lynch-Staunton, there are senators who are waiting to hear the bells ring. They know that they have 15 minutes to get here, because it was to be a 15-minute bell.

Like Senator Lynch-Staunton, I think we should have started the bells at 3:30 p.m. However, having not started at 3:30 p.m., I think that we must now let the bells ring for 15 minutes.

The Hon. the Acting Speaker: We will proceed, then, to the recorded division deferred to 3:45 p.m. We will have a 15-minute bell, after which the vote will take place.

Call in the senators.

• (1550)

PUBLIC SECTOR PENSION INVESTMENT BOARD BILL

THIRD READING—MOTION IN AMENDMENT ADOPTED

On the Order:

On the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Butts, for the third reading of Bill C-78, to establish the Public Sector Pension Investment Board, to amend the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the Royal Canadian Mounted Police Superannuation Act, the Defence Services Pension Continuation Act, the Royal Canadian Mounted Police Pension Continuation Act, the Members of Parliament Retiring Allowances Act and the Canada Post Corporation Act and to make a consequential amendment to another Act:

And on the motion in amendment of the Honourable Senator Stratton, seconded by the Honourable Senator Lynch-Staunton, that the bill be not now read the third time but that it be referred back to the Standing Senate Committee on Banking, Trade and Commerce so that the committee may monitor discussions between Treasury Board and affected unions over matters contained in the letter of the President of the Treasury Board referred to in the report of the Standing Senate Committee on Banking, Trade and Commerce on Bill C-78; and

That the committee report back to the Senate no later than September 7, 1999.

Motion in amendment adopted on the following division:

YEAS

THE HONOURABLE SENATORS

Andreychuk	Keon
Angus	Kinsella
Atkins	Lavoie-Roux
Balfour	Lawson
Beaudoin	LeBreton
Berntson	Lynch-Staunton
Bolduc	Meighen
Buchanan	Murray
Cochrane	Nolin
Cohen	Oliver
Comeau	Pitfield
DeWare	Rivest
Di Nino	Robertson
Doody	Roche
Eyton	Rossiter
Forrestall	Simard
Ghitler	Spivak
Grimard	St. Germain
Gustafson	Stratton
Johnson	Tkachuk—41
Kelleher	

NAYS

THE HONOURABLE SENATORS

Adams	Kroft
Austin	Lewis
Bryden	Losier-Cool
Butts	Mahovlich
Carstairs	Maloney
Chalifoux	Mercier
Cook	Milne
Corbin	Molgat
De Bané	Moore
Fairbairn	Pearson
Ferretti Barth	Pépin
Fitzpatrick	Poulin
Fraser	Robichaud
Gauthier	(L'Acadie-Acadia)
Gill	Robichaud
Graham	(Saint-Louis-de-Kent)
Hays	Rompkey
Hervieux-Payette	Ruck
Joyal	Stewart
Kirby	Taylor—38

ABSTENTIONS

THE HONOURABLE SENATORS

Prud'homme
Wilson—2

• (1600)

SENATORS' STATEMENTS

NATIONAL DEFENCE

PROPOSAL TO REDUCE RESERVES

Hon. J. Michael Forrestall: Honourable senators, my reason for rising today is to review what has been recently released by Canadian Press under the provisions of the Access to Information Act concerning militia units in Canada.

We have been very vocal for some time about what the present government is doing with respect to the militia. We have complained that it is apparent that it is being cut to the bone. At a time when we cannot even fulfil our 1994 white paper commitments, when we are facing Y2K problems, and at a time in which we are facing other serious difficulties, we now have the identification of 36 of our militia units as being non-viable.

The document mentioned in the CP wire story released yesterday, entitled "Army gives 36 Units 'non-viable' description," makes a number of things very clear. First, this is a financially driven process to restructure the chaos in which the Canadian Armed Forces finds itself.

Second, the Canadian Armed Forces need a major influx of cash. Estimates by the Conference of Defence Associations suggest a need in the neighbourhood of \$1 billion in operations and maintenance budgets to cover a forces-wide shortfall, and \$1 billion in capital expenditure if we are to avoid a complete rust-out.

In the Land Force Central Area Restructure Working Group Minutes of Meeting May 19, 1998, it states:

The process is once again mired in bureaucracy. On 27 May Reserve Adviser Staff will be briefing Mr. Genco —

He is a political assistant to the minister.

The Hon. the Speaker: Honourable senators, could we have some order, please, so that we may hear the honourable senator? If there have to be conversations, I ask honourable senators to please conduct them outside the chamber.

Senator Forrestall: It continues:

...and affected MPs on our proposal for the Simcoe/Brantford and Kitchener/Cambridge rationalization.

This is a clear indication that the minister and his political advisor, a provincial candidate in the recent election in Ontario, are in this mess up to their necks. A number of Liberal MPs in Ontario are there along with them. I have not been invited to any meetings, nor have other affected senators, although we very specifically asked for briefings here on the floor of this chamber a couple of months ago.

The document entitled "Comments-38 Brigade Group Unit Evaluations," dated December 20, 1997, states in the third paragraph:

The initial process and the 1997-1998 Interim Evaluation is the most important of the three evaluations. This is the one that will identify units at risk of being either zero-manned, re-rolled or tactically grouped due to their being "Non viable."

Honourable senators, I now turn to the main document.

The Hon. the Speaker: Honourable Senator Forrestall, I regret to interrupt you, but your allotted three-minute speaking period on statements has expired.

Are you requesting leave?

Senator Forrestall: Yes, Your Honour.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Senator Forrestall: Thank you, honourable senators.

Suffice it to say that this nation has relied on its militia throughout its history to support its government objectives when the use of military has been required. They are to be reduced to non-viability, to be rolled in together and to be decimated. We can no longer hope, in any fashion that I can see, to raise a third or even fourth battle group, something that is required if we are to honestly meet the commitments we have given the forces that serve Canada today.

It is wrong. It is unjust. It is hasty. It must be reviewed.

If honourable senators care to take the time to go through this document, they will see that it is almost a royal cleansing when one looks at the units being downgraded.

CHINA

WORLD BANK—WESTERN POVERTY REDUCTION PROJECT— VIOLATION OF FOURTH GENEVA CONVENTION

Hon. A. Raynell Andreychuk: Honourable senators, the executive directors of the World Bank are scheduled to vote on Thursday, June 24, on funding a population transfer scheme that would move nearly 60,000 Chinese settlers up on to the Tibetan plateau and into the Mongolian Autonomous Prefecture.

The Western Poverty Reduction Project, as it is known, would move mainly poor Chinese farmers into an arid area that has been productively used by Tibetan and Mongolian herders for hundreds of years. The World Bank project would be the first time an international financial organization has funded Chinese transmigration of peoples into the Tibetan plateau.

His Holiness, the Dalai Lama, has identified the Chinese influx as the greatest threat to the survival of the Tibetans as a distinct people and culture. The Tibetan government in exile has issued a public statement calling for the World Bank to reconsider its involvement in the project.

Also, the International Committee of Lawyers for Tibet has also expressed its concern and has indicated that the mass transfer of Chinese people into Tibet violates the fourth Geneva Convention.

I understand that the Honourable Paul Martin will be attending these meetings. I appeal to him to reconsider this project. We know in our own country that displacing people for whatever motives into other populations is rarely successful. For proof, we need only look to our own projects in Newfoundland and the aboriginal peoples in the North, projects that did not succeed. We can also look to the former Soviet Union and the mass migrations that occurred there.

I appeal to the honourable minister and the government to reconsider their position when it comes time to vote on June 24.

ROUTINE PROCEEDINGS

DIMENSIONS OF SOCIAL COHESION AND GLOBALIZATION

REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ON STUDY TABLED

Hon. Lowell Murray: Honourable senators, I have the honour to table the twenty-second report of the Standing Senate Committee on Social Affairs, Science and Technology. It is the final report on the special study on social cohesion.

On motion of Senator Murray, pursuant to rule 97(3), report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1610)

PRESENT STATE AND FUTURE OF AGRICULTURE

AGRICULTURE AND FORESTRY COMMITTEE AUTHORIZED
TO EXTEND DATE OF FINAL REPORT

Hon. Leonard J. Gustafson: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f) I move:

That notwithstanding the rule of the Senate adopted on November 24, 1998, to examine matters relating to the present state and future of agriculture in Canada, the Standing Senate Committee on Agriculture and Forestry be empowered to present its final report no later than October 28, 1999.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

QUESTION PERIOD

JUSTICE

EXTRADITION ACT—ALLEGED CONTRIBUTIONS
TO BILL TO AMEND BY CHIEF PROSECUTOR
OF INTERNATIONAL COURT—GOVERNMENT POSITION

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, my question to the Leader of the Government returns to the same subject that I raised earlier this week. That is, has the minister been able to determine whether Madam Justice Louise Arbour was at all involved in either the consultation, the preparation or the drafting of Bill C-40?

I put this down as a written question three weeks ago, but I raise it orally because Madam Justice Arbour has been named to the Supreme Court and is to be sworn in on September 15. I hope, for her sake, that the air can be cleared on this matter.

Evidence was given before the Standing Senate Committee on Legal and Constitutional Affairs to the effect that Justice Arbour supported the bill. The evidence given here suggests, by the dates — I will not go into the details — that perhaps she might have had knowledge of the bill before it was tabled and ordered printed in the House of Commons.

I hope that that conclusion is wrong. I should like to know if the Leader of the Government could confirm that that interpretation is wrong. If not, does that mean that she was involved in the process that led to the bill being given first reading?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, that interpretation is wrong, and my

honourable friend will receive later this day a delayed answer to that effect.

Senator Lynch-Staunton: I thank you.

AGRICULTURE

FARM CRISIS IN PRAIRIE PROVINCES—
POSSIBILITY OF GOVERNMENT SUPPORT

Hon. Leonard J. Gustafson: Honourable senators, I have a question for the Leader of the Government on the very serious crisis situation that agriculture is facing.

I have had discussions with many senators on both sides of the house about this crisis situation. The Standing Senate Committee on Agriculture and Forestry has heard many witnesses through the past winter and spring who indicate that a very serious crisis problem is at hand, especially for grain farmers.

The most serious problem is the fact that commodity prices are so low, having dropped 41 per cent in two and a half years. What other industry could survive a 41 per cent drop in their income?

The Europeans are subsidizing their industry to the tune of 45 per cent of the European farm income. The United States is subsidizing its farmers to the extent of 35 per cent of the American farm income. Canadian farmers are quite below 15 per cent and they cannot survive.

My question to the Leader of the Government is as follows: Will the government stand by the farmers? I realize that the minister has carried this issue to the Prime Minister and to cabinet several times, and I appreciate that. However, as the Senate and the government proceed to recess for the summer, the government must make a decision. Will the Government of Canada stand with the farmers as other countries have supported their farmers, or will they not?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the answer would be very much in the affirmative.

On June 11, 1999, the Minister of Agriculture visited affected areas in both Saskatchewan and Manitoba. He met with producers and local leaders to obtain a firsthand understanding of the situation. During the visit, he made a commitment to work with his provincial colleagues and the agricultural industry in order to be innovative and flexible with the programs in place to assist farmers through this very unfortunate and stressful time.

Senator Gustafson: Honourable senators, the reference of the visit of the minister to Saskatchewan and Manitoba refers to the water problem. That only compounds the greater problem of low commodity prices. That situation is very serious.

I have spoken to farmers and had daily phone calls from both Manitoba and Saskatchewan farmers who indicate that less than 5 per cent of the crop will be seeded. Even farmers near Regina, Saskatchewan, that far west, they have done little seeding as of today.

That situation compounds the problem. I hope it does not distract from the more serious problem of low commodity prices.

The government must decide whether it wishes to have a small, farm-based industry or whether large farms and monopolies will take over farming in Canada.

I ask again, will the minister, at the close of the Senate today, convey to his cabinet colleagues as they meet through the summer the serious need for a government commitment to stand by the farmers? We need cash input and a long-term program that will work for agriculture.

Senator Graham: Honourable senators, that is a commitment which I shall give to Senator Gustafson. Since his visit, the Federal Minister of Agriculture has spoken to the Ministers of Agriculture in both Saskatchewan and Manitoba. Together, they have made a commitment that no stone will be left unturned in their efforts to assist the farmers of that stricken area.

SHORTCOMINGS IN AGRICULTURE INCOME DISASTER ASSISTANCE PROGRAM—REQUEST FOR CHANGES

Hon. A. Raynell Andreychuk: Honourable senators, I wish to follow up on the government's position. I appreciate that the Leader of the Government has taken this matter seriously, however, somehow or other, his efforts have not had an impact on the government.

There continues to be statements from the government that the AIDA program is working elsewhere, but not Manitoba and Saskatchewan. What is the problem? One size does not fit all. There should be in this country an ability to treat all farmers equally and to allow them to work within their potential.

I ask again, could this program be revised so that it takes into account the income, cash and expenditures of farmers? It seems to take into account other factors. Therefore, those who need it most are not receiving help.

• (1620)

Perhaps three-year averaging is necessary elsewhere in Canada, and I would not want to disrupt the program for them. However, it is simply not working in Manitoba and Saskatchewan. Can the Leader of the Government in the Senate not ask the government to review the AIDA program, as requested by the premiers of both Manitoba and Saskatchewan? The problem is compounded, of course, by the flooding.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, Minister Vanclief and the Saskatchewan Minister of Agriculture have announced changes to crop insurance to extend the seeding deadlines. This will make it easier for farmers to switch their insurance coverage to early maturing crops.

With respect to the possibility of revisiting the AIDA program, which provides \$1.5 billion in aid to western farmers and was

announced last December, I shall again bring to the attention of my colleagues and the Prime Minister, at the first opportunity, the very serious representations by both Senator Andreychuk and Senator Gustafson.

Senator Andreychuk: Honourable senators, again I hear that we will revisit the AIDA program at a later date. Farmers are telling me that they cannot afford to pay accountants to fill out the forms required for that program. I know that the agriculture minister has said that it is not a great expense. However, every \$100 counts. It may not count for that much with larger farmers, but for small farmers that is a lot of money. They need help today or they will not be here in the fall.

I will be talking about an entirely different problem in Saskatchewan if the package is not changed immediately. I do not know how to get that message across to the minister. I appeal to him to bring that message to the government again.

Senator Graham: Honourable senators, I certainly undertake to do that. As Senator Andreychuk would know, in addition to the AIDA program, producers are being assisted through NISA. The Minister of Agriculture has instructed the administrators of NISA to expedite access to those funds.

Once again, I shall be meeting with my honourable colleague the Minister of Agriculture very soon. As a matter of fact, I shall attempt to get in touch with him by telephone as soon as we adjourn today.

NATIONAL DEFENCE

PROPOSAL TO REDUCE RESERVES— FUTURE OF CERTAIN REGIMENTS—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, the 1st Field Regiment Royal Canadian Artillery and the 35th Service Battalion have been deemed non-viable. Is the Leader of the Government in the Senate prepared to take up the cudgel to ensure that they are not amalgamated, rerolled, or reduced to nil strength? Also, what does the future hold for the Halifax Rifles?

Second, can we expect an announcement from the government before the end of June about the shipborne helicopter replacement program, now that both Sikorsky and Cormorant have announced that they are preparing their bids?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, they are not the only ones preparing bids, as I understand it. I am not privy to any inside information, but I know that the minister is working diligently with respect to this proposal. With regard to any companies that may be seeking contracts, I have available to me only what Senator Forrestall and others read and hear in the media.

I am sure there are many interested bidders with respect to the Reserves, the Halifax Rifles and others. I shall again bring that matter to the attention of the Minister of National Defence and other colleagues who may be involved.

FOREIGN AFFAIRS

CONFLICT IN YUGOSLAVIA—PLANS FOR POST-CONFLICT RECONSTRUCTION—GOVERNMENT POSITION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, could the Leader of the Government in the Senate share with the Senate the policy of the government, and particularly how it will unfold during the next couple of months when we are not in session, with respect to reconstruction in Kosovo and Yugoslavia?

Yesterday, Minister Marleau announced an additional contribution by Canada to that area. If I understood her correctly, that contribution will be made to the UN High Commission for Refugees.

Will the assistance that the Canadian government is intending to give be restricted to contributing through agencies such as the United Nations High Commission for Refugees, or will there be state-to-state contributions from Canada to Kosovo, or Canada to Yugoslavia?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, that matter is being closely considered at this time. Rebuilding Kosovo, economically and politically, will require a combined international effort. A comprehensive assessment by the international community of how much this will cost and what form it should take has only just begun.

JUSTICE

INTERNATIONAL WAR CRIMES— EFFORTS TO PURSUE FUGITIVES—GOVERNMENT POSITION

Hon. Gerry St. Germain: Honourable senators, I have a supplementary question on the situation in Kosovo. Slobodan Milosevic has been declared a war criminal, a declaration with which I completely agree, and the Government of Canada was very supportive of this action.

What are we doing as a government to pursue others in leadership who are committing atrocities against their people?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the International War Crimes Tribunal is, of course, on the front line of such investigations. Canada is totally supportive of the role being played and the work that has been done by the tribunal thus far.

Senator St. Germain: Honourable senators, are we putting pressure on the UN International War Crimes Tribunal to pursue others who are committing atrocities against their own people, as is Milosevic, or have we decided to single out only this individual and ignore the rest?

This is reminiscent of the Hutus and the Tutsis in Rwanda, and various other situations in the past.

Will we take a real leadership role in this, or will we back off after declaring Milosevic a war criminal and allow the others to carry on?

Senator Graham: Honourable senators, the Honourable Senator St. Germain can rely on Canada to take a leadership role in attempting to bring all of these alleged war criminals to justice.

REPRESENTATIONS ON BEHALF OF STANLEY FAULDER IN TEXAS

Hon. Gerry St. Germain: Honourable senators, on another matter, I question why we are sending delegations to Texas on behalf of Mr. Faulder who is on death row there. I see this as interference in their legal process.

The due process of Texas law has been followed. I am sure that we recognize the legal process in the state of Texas and in the U.S. as a whole as a bona fide system that operates fairly.

It does not seem rational that, at the same time as we are sending delegations to Texas to interfere in their legal process, we were prepared to risk killing innocent people in Serbia with bombing raids.

• (1630)

I come from a riding where 13 children were killed. Understand this, honourable senators: Clifford Robert Olson killed 13 young children. If I were to explain in this place how he did it, it would horrify you. I do not believe we need to go through that again. He sits in prison, from where he wrote nasty little letters to me when I was in the other place about my supporting capital punishment. That is why I bring this matter up to the Leader of the Government in the Senate. It seems that the victims and their families are totally ignored in our system. It seems as well that, all of a sudden, there are those who ride white horses to try to save people in situations where they are convicted of murder time after time, yet often the victims and the victims' families do not receive half the attention. It is impossible for me to rationalize this.

Could the minister explain why these delegations are going to Texas?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, a lot of the delegations are unofficial. Representations have been made with respect to the fact that international law and custom was breached, in the sense that Canada was not notified at the time of the alleged crime.

Senator St. Germain: They did not know his family.

Senator Graham: I understand the concerns and the views that have been expressed by Senator St. Germain. I certainly shall bring his representations to the attention of the Minister of Foreign Affairs and others who might be responsible in this area.

REPRESENTATIONS OF BEHALF OF STANLEY FAULDER—
REQUEST FOR COSTS

Hon. Consiglio Di Nino: Honourable senators, I have a supplementary question. At the same time, could the minister bring to the attention of this chamber the cost that Canadian taxpayers have borne in this issue, in trying to represent Mr. Faulder?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am sure that Senator Di Nino would not expect me to have such a figure at hand. I shall be happy to look into the matter and bring forward an answer, if there is one available.

CUSTOMS AND REVENUE

CAPE BRETON AS SUGGESTED LOCATION OF NEW AGENCY—
GOVERNMENT POSITION

Hon. Lowell Murray: Honourable senators, a news release from the Prime Minister's office a couple of days ago announced the appointment of the commissioner of the new Canada Customs and Revenue Agency. There remains an important decision to make, namely, the location of the headquarters of that new agency.

As I said the other day — and as the Leader of the Government knows — this is a matter of political will, as it was in the 1970s, when a Liberal government located the Department of Veterans Affairs in Charlottetown; and as it was in the 1990s, when the Mulroney government located the GST centre near Summerside. Does the political will exist to locate the headquarters of this agency in Cape Breton?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am not aware that such a move would be contemplated, but it would not be for the lack of representations made here by Senator Murray and me, with my appropriate colleagues who would be responsible for such an action. At the same time, however, I would not want to raise false hopes.

I am one who is very much in favour of decentralization. I recall very well the positive effects that that decentralization has had on certain regions of the country. I recall the movement of Veterans Affairs Canada to Charlottetown, the GST centre to Summerside, and the Philatelic Centre to Antigonish. The centre was first moved there by the Trudeau government, cancelled by the Clark government — of which my honourable friend Senator Murray was a member — and then restored again by the Trudeau government in its reincarnation. I recognize the value of such decentralization.

While I am not aware that such a move is being contemplated, I will continue to make, representations in this respect.

Senator Murray: Honourable senators, my friend expresses some doubt as to what may or may not be under contemplation

by the government. Is it not a fact that a decision must be made as to the headquarters of this new agency? That decision must be made pursuant to a clause in the bill that was given Royal Assent. That clause provides that the headquarters shall be located at a location in Canada to be determined by the Governor in Council.

Has that decision been made? If not, when does my friend expect it to be made?

Senator Graham: Honourable senators, I am not aware in a definitive way that the final decision has been made in that respect. I could anticipate the pressures to keep the agency where it is because most of the agency's employees are residents in the Ottawa area. However, my honourable friend is quite correct in saying that the act provides that the agency could be located at any place in Canada. I shall, again, raise the question with my colleagues.

Senator Murray: Honourable senators, would it be fair to say that the decision is still before the government?

Senator Graham: Honourable senators, I would have to make further inquiries to determine definitively whether that is so. I must say that I have not yet been encouraged by the representations that I have been made, but I shall continue to do so.

Hon. Edward M. Lawson: Honourable senators, since this is a kind of open-bidding process, would it be appropriate to locate it in British Columbia? The minister comes from that province. However, if that is considered to be too political and it is not possible to do so, then I would yield and add my support regarding a move to Cape Breton.

Senator Graham: I thank the honourable senator for his support.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I have a number of delayed answers, and I believe this will bring them to a close.

I have a response to a question raised in the Senate on May 6, 1999, by the Honourable Senator Terry Stratton, regarding income tax, basic personal exemption, influence on number of low-income earners on the tax role; a response to a question raised in the Senate on May 11, 1999, by the Honourable Senator Terry Stratton, regarding income tax, influence of inflation on changes; and responses to questions raised in the Senate on May 13, 1999, by the Honourable Senator Noël A. Kinsella and by the Honourable Senator Pierre Claude Nolin, regarding the comments by Minister Dion, request for clarification. I have a response to a question raised in the Senate on June 10, 1999, by the Honourable Senator Brenda M. Robertson, regarding the 1999 La Francophonie Summit in Moncton, New Brunswick,

responsibility for security. I have responses to questions raised in the Senate on June 10, 1999, by the Honourable Senator Noël A. Kinsella, by the Honourable Senator Lowell Murray and by the Honourable Senator John Lynch-Staunton, regarding the agreement between Canada and the United States on periodicals. I have a response to a question raised in the Senate on June 14, 1999, by the Honourable Senator J. Michael Forrestall, regarding the Kosovo peacekeeping force, state of Leopard tanks.

NATIONAL REVENUE

INCOME TAX—BASIC PERSONAL EXEMPTION—INFLUENCE ON NUMBER OF LOW-INCOME EARNERS ON TAX ROLL— GOVERNMENT POSITION

(Response to question raised by Hon. Terry Stratton on May 6, 1999)

It is essentially true that the majority of those 600,000 taxpayers would not have been taxable if the exemptions had been fully indexed since 1993. However, the large deficit and growing debt which the government inherited when it took office meant that full indexation of the tax system was not affordable at that time.

Despite this, each of the government's budgets has provided targeted tax relief to achieve key social and economic objectives. Targeted support was directed to education, low-income families with children, charities and Canadians with disabilities.

With the elimination of the deficit in 1997-98 the government began to provide broad-based tax relief not paid for with borrowed money — for the first time since 1965.

The government's objective is to provide substantial tax relief in the fairest way possible.

Together, the two budgets will provide tax relief totalling \$3.9 billion in 1999-2000, \$6 billion in 2000-2001 and \$6.6 billion in 2001-2002, totalling \$16.5 billion over three years.

The government will continue to provide additional tax relief in each future budget in line with available resources.

INCOME TAX—INFLUENCE OF INFLATION ON CHANGES IN BRACKETS

(Response to question raised by Hon. Terry Stratton on May 11, 1999)

It is true that the threshold at which the 26 per cent tax rate starts to apply would have risen to about \$32,650 if the bracket had been fully indexed since 1993.

It is also true that Canadians with taxable incomes at \$32,650 are paying \$243 more in federal tax because the \$29,590 tax threshold has not been indexed since 1993.

However, the large deficit and growing debt which the government inherited when it took office, meant that full indexation was not affordable at that time.

The government did not — and still does not — have the luxury of moving toward a fully indexed tax system.

With the elimination of the deficit in 1997-98 the government began to provide broad-based tax relief not paid for with borrowed money — for the first time since 1965.

Together, the 1998 and 1999 budgets will provide tax relief totalling \$3.9 billion in 1999-2000, \$6 billion in 2000-2001 and \$6.6 billion in 2001-2002, totalling \$16.5 billion over three years.

The government's objective is to provide substantial tax relief in the fairest way possible.

FOREIGN AFFAIRS

ORGANIZATION OF MEETING BETWEEN PRESIDENT OF MEXICO AND PREMIER OF QUEBEC—GOVERNMENT POSITION

INTERGOVERNMENTAL AFFAIRS

COMMENTS BY MINISTER DION—REQUEST FOR CLARIFICATION

(Response to questions raised by Hon. Noël A. Kinsella and Hon. Pierre Claude Nolin on May 13, 1999)

Our federation is one that is flexible and this government believes in relations with the provinces that are founded on respect and collaboration. In keeping with that spirit, we concluded, last February, an agreement on the social union and another federal-provincial-territorial agreement on health. Although we are disappointed that the government of Quebec chose not to participate in the first agreement, the federal government has, since 1993, made significant progress in addressing the concerns of Quebecers, including the following:

- passing a resolution in Parliament recognizing the specificity of Quebec;
- passing a law that gives Quebec a veto over all constitutional amendments;
- amending the constitution to end denominational schools and create linguistic school boards in Quebec;

- signing a labour market training agreement;
- withdrawing from forestry and mining;
- withdrawing from the area of recreation.

These changes prove that this government has set the stage for increased and more effective cooperation with Quebec and the other provinces in the future.

SOLICITOR GENERAL

1999 LA FRANCOPHONIE SUMMIT IN MONCTON,
NEW BRUNSWICK—RESPONSIBILITY FOR SECURITY

(Response to question raised by Hon. Brenda M. Robertson on June 10, 1999)

The RCMP will be in complete control of all security issues regarding the Francophonie Summit. The RCMP is the police force of jurisdiction in Moncton, New Brunswick, and more than 1500 RCMP members will be deployed from the Atlantic and Central Regions of the RCMP to assist in providing security for the summit.

With respect to the carrying of firearms by Foreign Security Officers, the RCMP maintains its position that these individuals will not be allowed to carry firearms while in Canada, and that their main role will be that of providing liaison assistance to Canada's Security Officers. However, in accordance with section 7(1)(c) and (d) of the *Royal Canadian Mounted Police Act*:

“7.(1) The Commissioner may

...

c) where the Commissioner is requested by any department of the Government of Canada or considers it necessary or in the public interest, appoint for a period not exceeding twelve months at any one time special constables supernumerary to the strength of the Force for the purpose of maintaining law and order; and

d) designate any member, any supernumerary special constable appointed under this subsection or any temporary employee employed under subsection 10(2) as a peace officer.”

in some instances, negotiations could take place. Each request will be reviewed in accordance with existing policies under the Act.

At no time will any of the Foreign Security Officers be given authority in the deployment of security measures to

ensure the security of the Heads of State and delegations attending the summit.

INTERNATIONAL TRADE

AGREEMENT BETWEEN CANADA AND THE UNITED STATES
ON PERIODICALS—DEPARTMENTAL RESPONSIBILITY
FOR OVERSIGHT

(Response to questions raised by Hon. Noël A. Kinsella, Hon. Lowell Murray and Hon. John Lynch-Staunton on June 10, 1999)

There will be no transfer of staff between the two departments as a result of the transfer of responsibility. Current staff at the Department of Canadian Heritage will perform the investment reviews, and, if required, additional staff will be hired by the Department.

Under the *Public Service Rearrangement and Transfer of Duties Act*, the Government has the authority to transfer or divide duties under federal acts. The authority to review and approve foreign investments in the cultural sector has been transferred to the Minister of Canadian Heritage by way of an Order-in-Council.

The cultural sector, or more precisely business activities relating to Canada's cultural heritage or national identity (as provided for in subsection 15(a) of the *Investment Canada Act*), has been defined in the *Investment Canada Regulations* as:

1. Publications, distribution or sale of books, magazines, periodicals or newspapers in print or machine readable form;
2. Production, distribution, sale or exhibition of film or video products;
3. Production, distribution, sale or exhibition of audio or video music recordings.

This definition continues to apply.

It is true that some businesses have activities that relate to both cultural and non-cultural activities. If any part of a business is cultural in nature, then it will be treated as a cultural business for the purposes of subsection 15 (a) of the *Investment Canada Act*.

The regulations under the *Investment Canada Act* will not be changed. The agreement with the US provides that Canada will use policy guidelines to specify the tests to be used in the review of any new investments in the magazine industry. Similar policies already exist in the areas of books and films.

NATIONAL DEFENCE

KOSOVO PEACEKEEPING FORCE—
STATE OF LEOPARD TANKS—GOVERNMENT POSITION

(Response to question raised by Hon. J. Michael Forrestall on June 14, 1999)

Deployment of Leopard Tanks to the Balkans

As part of its most recent commitment to the NATO-led peace implementation force in Kosovo, Canada will be sending the following Leopard vehicles:

4 main battle tanks (two fitted with mine ploughs and two with mine rollers) plus one spare;

2 armoured engineer vehicles;

one armoured bridge-laying vehicle; and,

one armoured recovery vehicle.

In anticipation of the deployment to Kosovo, new armour-piercing ammunition is being procured. The new ammunition has the capability to perforate both the hull and the turret of the latest generation of Armoured Fighting Vehicles likely to be encountered.

Additional armour modules are also being added to the tanks, which will provide protection from perforation by medium (20 to 30mm) calibre cannons firing the most modern ammunition, and from tanks comparable to the Leopard C1. This armour will also provide protection from the types of hand-held anti-armour weapons currently in service in the Federal Republic of Yugoslavia.

The Leopard C1 is equipped with suspension enhancements to allow better mobility in rough terrain. The Leopard 1 has been used in mountainous regions of FRY, Norway and Greece. Denmark has employed Leopard 1 tanks in Bosnia since 1994.

The Leopard vehicles fitted with mine ploughs and mine rollers could be used to breach minefields.

It is expected that Canada's armoured vehicles will be used for force protection and mine clearance tasks within the Canadian Battle Group.

ANSWER TO ORDER PAPER QUESTION TABLED

EXTRADITION POLICY—
CONTRIBUTIONS TO BILL TO AMEND BY INDIVIDUALS
AND ORGANIZATIONS OUTSIDE FEDERAL GOVERNMENT

Hon. Sharon Carstairs (Deputy Leader of the Government), tabled the answer to question No. 148 on the Order Paper—by Senator Lynch-Staunton.

THE SENATE

TRIBUTES TO DEPARTING PAGES

The Hon. the Speaker: Honourable senators, before I call the Orders of the Day, I must report to you a rather unpleasant little duty, namely, to report on the pages who will be leaving us because this is the end of the session. We have a high regard for our pages, however, in the normal course of event, there must be a change and new pages must replace those who are leaving us.

On behalf of all honourable senators, I wish to thank those who have been with us and call them forward.

[Translation]

Jeannine Ritchot is a Métis from La Salle, Manitoba. She has just completed an Honours B.A. in history. She is leaving us to work in Minister Boudria's office. She hopes one day to return to Manitoba to work with Métis students in the field of education.

Myène Ménard, from Nova Scotia, is a communications student at the University of Ottawa. She is leaving our Senate family to continue her education, taking with her fond memories of her valuable experiences here and the many people she met.

Denis Poirier comes from Burlington, Ontario. Next September, he will be in his final year of political science and public administration at the University of Ottawa. Denis also received a grant from the Canada-France Parliamentary Association that will take him to France this summer.

[English]

• (1640)

Andrew Turner has recently completed his studies at Carleton University, having received a Bachelor of Arts with highest honours in history and a minor in French. In September, he will begin his studies for a master's degree at Carleton's Norman Paterson Institute for International Affairs. Andrew hopes to spend his career in public service of one form or another. I might point out that he is from the province of Newfoundland.

Sarah Wells is from Chester, Nova Scotia. Sarah has just completed her criminology degree with a concentration in women's studies. After leaving the Senate, she is looking forward to travelling, more studying, and enjoying life.

Vicky Wong, our current deputy chief page, is leaving the program after three years. She came to Ottawa from Riverview, New Brunswick, and now studies at the University of Ottawa. Vicky has a major in health and sports studies.

[Translation]

Michel Thériault, our chief senior page, is from Bouctouche, in New Brunswick, and is ending his third and final year with the page program. He also just completed a B.A. in political science and public administration at the University of Ottawa. After one year of well-deserved rest, Michel expects to start studying toward a masters degree in administration, and then get a law degree.

Dear pages, on behalf of all honourable senators, I thank you for your good services. I hope that your time with us will have been productive and will have helped you significantly improve your knowledge of the parliamentary system, and that you will leave us as good ambassadors for the Senate.

[English]

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—THIRD READING

Hon. Sharon Carstairs (Deputy Leader of the Government) moved the third reading of Bill C-82, to amend the Criminal Code (impaired driving and related matters).

She said: Honourable senators, I am pleased to rise today to speak to Bill C-82. This piece of legislation, in and of itself, is not the solution to impaired driving. It is simply one part of a broadly based program so that Canadians of all ages and all walks of life can understand that impaired driving is a crime. It is not a social condition; it is not a disease, although disease can often be the underlying cause of their state of impairment. It is, honourable senators, a crime; a crime that is, like all crimes in our society, unacceptable.

The increase of minimum fines, the increase in length of driving prohibition and an increase in the minimum penalties for incarceration are all examples of setting the serious tone that impaired driving is a crime.

No one who has not suffered, like Senator Marjory LeBreton and her family and so many others, can truly understand but we can empathize. I will never forget the morning I showed up to finish report cards to learn that four of our high school students had been killed while driving home the morning after graduation.

They had driven to Banff to watch the sunrise. On their return, exhausted and impaired, they went off the road. The tragedy of four young lives snuffed out in a moment. It was the reason why I became involved in safe graduation programs after I moved to Manitoba. When students arrive at the all-night graduation party, they hand in their keys to parents who, in the morning, drive both them and their cars home.

It provided a couple of sleepless nights for John and me and all the other volunteers when our daughters graduated from high school, but they and all their fellow graduates arrived home safe and sound.

It is a program like this, as well as safe driving programs, advertising programs, safe ride campaigns, addiction programs, and many other similar programs which will help to solve this curable problem. However, honourable senators, this legislation will also help. I give it my full support.

Hon. Marjory LeBreton: Honourable senators, as I have indicated here in this chamber, and privately to the minister yesterday, the government house leader, my colleagues and many others, I am truly honoured to have been intricately involved in the moving of the so-called drunk driving bill, Bill C-82, through Parliament.

As the Minister of Justice so eloquently said yesterday before the Standing Senate Committee on Legal and Constitutional Affairs:

...this unfortunate problem...in spite of 20 years of good work on the part of many in this country does not seem to be abating.

...there are 1,300 Canadians who die every year in situations that are 100 per cent preventable. There are 1,300 Canadians who lose their lives every year, and their families are destroyed, in the single most preventable offence in our country.

Honourable senators, this bill represents a major step because it is a signal to Canadians that the crime of driving drunk will not be tolerated, and that to do so has serious consequences.

As the minister pointed out, and as my colleague on the other side just said, these changes to the Criminal Code are meant to address the seriousness of these crimes. However, we must all work to ensure that measures are taken to address the problem of driving drunk well before the situation warrants the full force of the Criminal Code.

There is so much to do and the responsibility falls to all of us to ensure that federal and provincial policy development initiatives and public awareness programs are undertaken. In the long run, these measures are likely to have the greatest impact on saving lives in our country.

As I said when I spoke on second reading, there is a high degree of ignorance of our impaired driving laws both federally and in the provinces and territories. I was most encouraged to learn that the minister will be addressing these issues at the next federal-provincial meetings of attorneys general. Certainly, as was evident at the committee yesterday, there is a strong need and desire for public awareness and education programs. It is to be hoped that all levels of government will draw on the expertise and experience of the police, traffic safety experts and victims groups in the development of such programs.

As the minister pointed out in her testimony yesterday, she and her officials will also be working with the provinces to promote the use of all available technologies in the apprehension of drunk drivers, all of which will be extremely valuable in the enforcement of the law.

The minister specifically suggested that others should follow the lead of Alberta and Quebec in using ignition interlock devices. Other technologies that should be placed high on the list of consideration by federal, provincial and territorial governments are passive alcohol sensors and new roadside breathalyzers and screening devices, such as digital breathalyzers.

At the upcoming meeting of the attorneys general, serious consideration must also be given to expanding police powers to allow the admissibility of evidence such as roadside sobriety tests and police videotaping, and making it mandatory that breath or blood-testing for alcohol be obtained at all crash scenes involving fatalities or serious injuries. I feel confident that all of the issues will be moved to the forefront of discussions on how to make our roads safer and to put an end to this totally preventable crime.

Honourable senators, many ask me how I have managed to personally deal with this situation, and many other victims seek out my advice. Really, there is no simple answer. When confronted with a tragedy, we must all find our own way.

Last fall, I was asked to chair a session at the MADD meeting in Halifax. The session I headed up was called, "What is moving on?" In preparing for the session, I answered a lot of my own questions. I told those who gathered for the session that, first and foremost, you do come to the realization that life does go on. I told this group that, although I realize that my family and I had gone through a life-altering experience, our personalities are basically the same. We have the same beliefs, the same interests, the same hobbies and, yes, the same faults.

For example, among other things, I told them that I was, and still am, a proud political partisan and that I would continue to be so. I urged them to do everything in their power to resist being pulled into a vortex of self-pity, hopelessness and self-defeating anger. In other words, do not let the drunk driver add the survivors to his or her list of victims. Rather, it is important to celebrate the lives of their lost loved ones and to do whatever they can, according to their own ability and desire, to prevent this from happening to others. However, I also cautioned that we are

all different and they were not to be made to feel guilty if they were unable to do so. The important message was to do only what they were comfortable in doing.

• (1650)

Honourable senators, society evolves and attitudes change as people live through experiences and try to communicate the impact to others. Information and our ability to communicate knows no bounds. I fervently believe that the level of awareness in our society as a whole, and with our young people in particular, is much higher than it has ever been, and growing. Some of these young people are our next police officers, lawyers, Crown attorneys and judges. The changing attitudes will be reflected in them.

With this in mind, at the suggestion of my friend John Hoyles, who is Executive Director of the Canadian Bar Association, our family decided to establish a living memorial in the name of Linda and Brian. It is called the LeBreton-Holmes Memorial Scholarship Fund. It was established to provide scholarship funds for law students expressing an interest in the fields of criminal prosecution, criminal law reform and Criminal Code drafting.

Urged on by my dear friend the Right Honourable Brian Mulroney, who supported me in this endeavour with his moral and financial support, the fund was established under the patronship of Mr. Mulroney, our own government house leader here in the Senate, Senator Graham, the Honourable Flora MacDonald, the Honourable Barbara McDougall, John Hoyles and Dean Sandra Rodgers from the Faculty of Law at the University of Ottawa. Thanks to their efforts and the generous donations from people all across the country, including many in this chamber, and the hard work done by John Ouelette, Director of Major Gifts, and Bonnie Morris, Associate Vice-Rector, Alumni and Development, at the University of Ottawa, this fund has thus far raised almost \$300,000 and will support at least four students every year forever. Last year, two young women were the recipients of the first LeBreton-Holmes scholarships.

My husband Doug, my son-in-law Ed Holmes, Steven LeBreton-Holmes and Jenna LeBreton-Holmes, my son Michael Bruce and his family, and all of our relatives are gratified for the opportunity to have something positive result from this tragedy. It has certainly helped in the healing process.

Honourable senators, this is an important piece of legislation that deserves the support it has been given. As I said at the beginning, it is an honour to have been part of this debate and the passage of this bill.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, before going to the vote, I want to recognize and thank Senator Carstairs for, in effect, allowing Senator LeBreton to initiate second reading of this bill. This showed, to my mind and to the minds of others, great sensitivity to a personal tragedy with which we are all too sadly familiar. The purpose of my saying these few words is to record in Hansard Senator Carstairs' great courtesy towards our colleague.

The Hon. the Speaker: In that same vein, honourable senators, before I proceed to call the vote, when I read the vote, I picked, as I do automatically, a government member to second the motion. I picked the Honourable Senator Losier-Cool. With leave of the Senate, I should like to change the motion to read "the Honourable Senator LeBreton."

Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: It was moved by the Honourable Senators Carstairs, seconded by the Honourable Senator LeBreton, that Bill C-82 be read the third time now.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

[Translation]

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

17 June 1999

Sir,

I have the honour to inform you that The Right Honourable Roméo LeBlanc, Governor General of Canada, will proceed to the Senate Chamber today, the 17th day of June 1999, at 8:00 p.m., for the purpose of giving Royal Assent to certain bills.

Yours sincerely,

Judith A. LaRocque
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

[English]

BUSINESS OF THE SENATE

Hon. Marcel Prud'homme: Honourable senators, I rise on a point of order. As I sit at the end of the chamber, it is difficult to follow the Table Officer calling the Orders of the Day, and to

hear Senators Carstairs and Kinsella standing various items. Some senators are reading the Order Paper a little more slowly than items are being called. Members of the staff are doing, as usual, a fabulous job, but it is difficult to follow the order of business at this end of the house.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with the greatest of respect to Senator Prud'homme, when an item stands in the name of a Liberal senator or in the name of a Conservative senator, we have checked with those senators as to whether they will stand that item on that particular day. We have done our homework, sir.

Senator Prud'homme: Honourable senators, I was trying to be gentle at the end of the session. That is not what I meant at all. I just said we should have a chance to read the orders. Of course my honourable colleague does her duty. She works very hard, but we would like a chance to know where we are at. That is all.

I do not know what is going on today. I am not rushing the honourable deputy leader — far from it. I just want to know what is going on. I would be pleased to continue, but I do not understand why my colleague said so roughly that she does her homework. I do not understand this change of attitude.

NORTH ATLANTIC TREATY ORGANIZATION

INVOLVEMENT IN YUGOSLAVIA—RELATIONSHIP TO INTERNATIONAL LAW—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Grafstein calling the attention of the Senate to the question of international law: Canada and the NATO action in the Federal Republic of Yugoslavia.—(*Honourable Senator Kinsella*)

Hon. Nicholas W. Taylor: Honourable senators, the adjournment on this Order Paper item was taken by the Honourable Senator Kinsella. If he does not wish to speak, I should like to speak to this matter. It has been on my mind for some time.

One of the thoughts I wanted to get across — and I will attempt to keep a fairly narrow focus — was on the question of international law. Senator Grafstein made a very good case for the popular view that a great evil was being done and, therefore, force was quite acceptable, and in fact necessary, to stop the evil.

• (1700)

It was rather interesting to hear that form of argument put forward by Senator Grafstein. It is one that is familiar to most of us who are familiar with the Old West. If there were some wrongdoing by people in the next valley, whether it had to do with fences or stealing cattle, justice was too slow. We did not go to the United Nations. We saddled up "Old Paint," got a few

neighbours together, formed a posse, and took the law into our own hands. This is the type of reasoning that I think Senator Grafstein is putting forward. We are going back to vigilante or posse justice, the reasoning being, "The courts are too slow. The lawyers may get him off. We know the guilty one and we will hang him from the highest tree."

NATO is adopting the same philosophy. It is organizing a posse. Possibly, they are right. The point is that, if the rule of law is to prevail, as it had to in the Old West, we must exercise patience in bringing culprits to justice. We have to let due process take place. Today, due process means the United Nations.

In the days of the Old West, when vigilante justice and getting a posse together to get someone who was not conforming was the order of the day, we did not go over and destroy the family. To get a husband to start behaving, we did not go over and wreck the kids' bicycles, trample through the wife's garden, and blow up the house. Yet that is exactly what was done in this case. We took it upon ourselves to get the man who caused the crime to fall in line by bombing women and children and by getting rid of their infrastructure.

Of course, the type of jingoistic philosophy that takes over once you are in a war makes it hard to reason with anyone. I am older than most people here, and I have always been interested in politics. I remember how this philosophy of getting the public to change its mind came about. I was small enough to remember when the Russian bear invaded Finland before the last world war. The Russian bear was always shown in cartoons as slaving at the lips and poor little defenceless Finland was shown fighting back to keep the Russian invasion down. That was in 1937-38.

Five years later, in 1943, lo and behold, Uncle Joe — Uncle Joseph Stalin, that is — was now on our side. It was said that he was a lovely man, the type of man that every child would want as an uncle. People then said that the Russians had never done anything wrong and that the Finns had turned out to be bad characters because they joined the Nazis.

Five years later, poor Uncle Joe was in trouble again. Winston Churchill made his speech about the Iron Curtain. I was ready again to bear arms to put the Russian bear back in his cage.

This type of manipulation of what we think is right and wrong has been most evident in the war in Kosovo. I am not saying that one side is right while the other is wrong. Surely, we can try to see through the manipulation of our minds that somehow or another this is causing great moral harm.

I come back to the concept of posse justice. Milosevic has been declared a war criminal. Perhaps he deserves it. Yet no one has asked if he or anyone else will defend him. We automatically assume that he is a war criminal and we are out to get him.

What bothers me in this case is the manner in which we clothe it in the cloak of international justice. We know this is a harm, and we have a posse that will go out to bring vigilante justice. We do not realize what is set in motion.

In terms of this moral issue, we are harking back to the Crusades. The moral issues were the first issues about which we fought wars. We only fought wars on territory and trade in the last 100 years. In the 1,000 years before that, there were always great moral issues. The people on the other side, particularly during the Crusades, were not Christian. They were Jews and Moslems. Therefore, they had to be removed. The same thing is true today. At least in the time of the Crusades someone called the Pope decided what was right and what was wrong. Now we have the president of the United States deciding what is right and what is wrong.

From where does NATO get the right to clothe itself in the Pope's clothing, or anything else, and say what is morally right and wrong? This is what bothers me. What have we started here? Who decides what is right? Who decides what is wrong? Who is challenging the situation to say what is right and wrong?

What we have done is gone back 500 to 700 years in history. At that time, the Pope could declare a whole group of people bad just because they were charging interest on loans. What we have is the Crusades running rampant again. People are taking it upon themselves to go out to eliminate others or to put them on the right path.

What have we set in motion for disarmament? The Russians will now do nothing to give up their nuclear arms. What is a nation to do today to defend itself against the NATOs of the world? We have now set back nuclear disarmament by a century. We have encouraged the small and unarmed nations to acquire nuclear arms and to go out to form other relationships. They say, "If big bad NATO comes after us, will you help me?"

I do not know what gives the predominantly white nations of Western Europe, which, supposedly, are Christian, the right to decide what is politically and morally right and back that up with force. We have set in motion so many things, for which we will pay repeatedly in the years ahead.

I wish there could be a debate that would take it away from the moral idea. There is nothing more offensive than a bunch of white men sitting around a fire deciding what is morally right, and then deciding to use their weapons to enforce that moral right. That has been done over and over again in the past. It does not work.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I imagine you understand why I wanted the items on the Orders of the Day to be called more slowly. I will not ask any questions or make any statements. I am going to make a speech. I do not have any notes; they are in my office. The reason I wanted to move more slowly was not for myself. I can follow reasonably well because, after 36 years in Parliament, I have had to become somewhat familiar with the rules.

I know senators who have come and gone. They told me that things moved so quickly that they could not follow at all.

Once we are appointed, we are wished good luck, given a big reception, and then left on our own. I know that the new whip takes care of new senators, tells them about new rules, explains what is going on and what might happen.

[English]

• (1710)

I tried to control my anger. I feel like going for a weekend to Meech Lake to cool off. I am glad that I stopped it because I know how Senator Taylor feels on this subject. He is not alone.

I did not have time, Senator Butts, to say goodbye to you for other family reasons. I will do it in my own way. Senator Butts, you know how much I dearly like having met you. Senator Butts is probably one of the best-informed senators in the Senate in world affairs, having gone to 26 countries to study world affairs. I hope, senator, that you shall participate and share your knowledge of the world with younger students in universities.

As for Senator Maloney, she has been a champion for the rights of women to sit in the Senate, and in Parliament and other legislatures. Senator, to you and your family, who are now celebrating, I say, "bonjour."

This motion of Senator Grafstein's gives us a chance to place our views on the record. This war, for me, represents the failure of politicians. This war represents the total failure of what I have stood for throughout my life; that is, patience and diplomacy.

It is strange how we suddenly speak about "holocaust" and "genocide" and we abuse these words so much that soon they will mean nothing for those who hold these words so dearly, the Armenian genocide and the Jewish holocaust. We now hear about holocaust and genocide every day. We should reflect on that.

Senator Taylor spoke about nuclear arms. If you want to be respected in the world, you had better have nuclear arms. If you do not have nuclear arms, you do not count any more.

I spoke in the Parliament of Albania a few weeks after they opened up to the Western World. I may not have a chance to play a role here, but I did over there.

I spoke in the Parliament of the Ukraine to over 500 parliamentarians. I told them to be careful, "Without your nuclear arms, you will not count."

We would now like the world to be dominated by very few who have nuclear arms. They say to everyone, to Pakistan and to India, to forgo nuclear arms, and sign the treaty of non-proliferation. We do not say that to Israel because that would be a criminal sin. Why?

Who introduced nuclear arms into the Middle East? Who pushed Iran, Iraq and Libya to consider having nuclear arms? They say, "Well, you deny in the West that they have nuclear

arms in Israel. We know they have it, therefore we shall spend all our good money on it." What a crazy world this is.

When I said in the House of Commons that Israel tested nuclear weapons in Israel and in South Africa, I was put to the wall. South Africa now admits that nuclear tests have indeed been undertaken in South Africa. If today you do not have nuclear arms, get in line, we will tell you what to do in world affairs.

This is an unbelievable tragedy that has taken place. Hundreds of billions of dollars for NATO to arrive, with a little surprise visit, unpredictably, of 200 Russian who show up in Pristina. If that is what is protecting us, we had better get our act together. It was a surprise.

Honourable senators, controlling my anger of the day, who knows, we do not know what will happen in the future. For some, it could be the last speech. I say that we should proceed with each other with civility and patience.

Not everyone is as bright as those who occupy the front or middle benches. However, everyone wishes to contribute. That is what made me participate today. I did not wish to participate in the debate today. However, I think Senator Taylor wanted to participate.

Senator Carstairs: He did.

Senator Prud'homme: I know he did. He did because he stood about five times.

I ask for the patience of all honourable senators. Senator Grafstein spoke for 42 minutes on Monday. I will not ask for more than 15. As soon as I see the Speaker move, I will sit down. I repeat again, there will be a long silence here.

It is the failure of politicians. It is the failure of diplomacy.

[Translation]

Diplomacy takes time and patience. Politics requires humility. If we really want to make things better in the world, we must respect the least of its inhabitants. Since I do not travel much, I can defend those who will be doing so this summer, this fall and in the years to come. I believe in parliamentary relations. It is amazing how we come up with billions of dollars for wars but, when funding is sought for parliamentary exchanges so that new parliamentarians can get to know one another, it becomes a public scandal. I find this incredible. We should encourage parliamentarians to travel to new countries that want to know what democracy was, what a speaker, a committee and a clerk were and what they did. Would you believe that that is what we are asked in over half the countries in the world? Some parliamentarians are terrified.

[English]

I used to call them chicken feathers! As soon as they see something in the headlines, they are afraid to fight back.

• (1720)

For 30 years, I told the people in my district what I was up to internationally, and they were proud, because I explained it. That is the way to learn. I told them about the importance of diplomacy.

Allow me to tell you a story. I will name the man: The Honourable Gérard Pelletier, P.C.

[Translation]

Gérard Pelletier, former minister under Pierre Elliott Trudeau, ambassador to the United Nations, is sitting in a plane, in first class, travelling between New York and Paris, with Zedhi Terzi, who is the PLO permanent observer at the United Nations. There are no other passengers. They are alone in first class, but are not supposed to talk to each other, according to Canadian diplomatic rules. Obviously they talked.

For the purposes of simultaneous translation, I will speak slowly so that those not listening, I can see there are some, can hear me. Often in the Senate, speaking French is a waste of time. When I see senators not wearing their ear piece, I assume that they must understand us.

Gérard Pelletier sits down with Mr. Terzi. They talk. Five minutes before they arrive in Paris, Mr. Terzi — who is not a terrorist, but a great intellectual, an ambassador of the PLO to the United Nations — says: “I understand Canadian policy, I do not want to embarrass you in front of your staff, so I will go back to my seat.”

I related this anecdote to my constituents — workers, small business people, folks I have lived with and continue to live with — in Montreal-St-Denis. They said: Are you trying to tell us that you are trying to achieve peace, and you are not allowed to speak to one another? Members of Parliament asked to go to Iraq. I will not tell you what sort of letter they got.

[English]

They received in reply a long, long letter from a very high politician, saying, “No, don’t go. Don’t go. It’s not the time.” Who is going to say it is the time, if someone wants to go and establish contact and engage in politics? Do we understand what the word “engage” means in world affairs? It means sitting down with people you may not like, or with whom you may have nothing in common, in the name of sanity and world affairs and peace, making the extra gesture to sit down with someone you might find repulsive, in order to influence events, slowly and gradually. That is what should have taken place at this time.

I will give you another example. We talk about “refugee.” “refugee,” “refugee,” “refugee,” “refugee.” In my speech on Monday, I talked of billions and billions and billions, but in the Hansard, they only printed “billions” once. I thank them; it requires less paper. However, we talk about “refugee,” “refugee,” “refugee,” “refugee.”

[Translation]

Two million refugees have been waiting in Palestinian camps for 52 years. No one is looking after them. I know that Senator Taylor and I can agree on this, as we have had a lot of discussions. Who is looking after them? Suddenly refugees exist, because CNN shows them to us. If CNN had shown us a woman in Gaza obliged to keep her entire family indoors in the full heat of summer because her village had been closed off, if CNN had shown us how people live in Gaza, if CNN had shown all that, the problem would have been resolved long ago. This is unacceptable.

The Hon. the Speaker: Honourable senators, Senator Prud’homme has one minute left.

Senator Prud’homme: I will conclude. I thank you, Your Honour, you are an excellent Speaker, it is a pleasure to work with you. We got to know each other better at the Parliamentarians’ Union in Cuba. We had no concern about meeting with Mr. Castro and other public officials. You have been, for Marcel Prud’homme, an excellent Speaker. People can read into my words what they want, it is the truth.

[English]

The Hon. the Speaker: If no other honourable senator wishes to speak, this Order will stand in the name of the Honourable Senator Kinsella. Is it agreed, honourable senators?

Hon. Senators: Agreed.

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO STUDY THE INFORMATION, ARTS AND ENTERTAINMENT MEDIA

Leave having been given to revert to Order No. 153:

On the Order:

Resuming debate on the motion of the Honourable Senator Poulin, seconded by the Honourable Senator Butts:

That the Senate Standing Committee on Transport and Communications be authorized to examine and report upon the information, arts and entertainment provided by the traditional and modern media to Canadians, given the changing nature of mass communications and technological innovation;

That the committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings; and

That the committee presents its final report no later than June 15, 2000.—(Honourable Senator Forrestall)

Hon. Janis Johnson: Honourable senators, the object of this motion is authorize the committee to do research over the summer and into the fall that would develop a theoretical framework for an examination of the degree and calibre of information, along with arts and entertainment coverage, that Canadians are receiving from the media. This would be done at no cost to the Senate. The idea for this study arises from the communications industry itself as a result of two previous studies.

Essentially, the initial research would draw on the Davey report of the 1970s. That report consisted of an examination of the media. Almost three decades have passed since then and there have been tremendous changes within the industry, in terms of the players, the technology to disseminate information, the content itself, the manner in which it is presented, marketing strategies, and new alliances. These are just some of the elements that come to mind that I feel are worthy of study.

Honourable senators, the complexion of the country has changed, with the immigrant tide coming from Asia and the Middle East rather than from our traditional immigrant grounds of Europe. The study would look at whether these new Canadians are being served by the media as well. It is a natural follow-up to the important work that we have been doing in the Subcommittee on Communications over the past three years.

In our first report, "Wired to Win!," we examined Canada's competitive position as a result of the technological revolution, including the Internet, the World Wide Web, international treaties, and a move toward openness in global communications competition. We found that Canada was indeed well-positioned to take advantage of relaxed international regulations, in addition to having the brains and communications infrastructure to be a leading player.

The second report, which was recently released, examined convergence within the telecommunications sector — the convergence of traditional media, such as telephony, television and radio, with new media important in marketing, new alliances and technology.

The Hon. the Speaker: Honourable senators, this order is standing in the name of the Honourable Senator Forrestall.

Is it to remain in the name of Senator Forrestall?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I can advise the Senate that Senator Forrestall wanted his remarks to be made by Senator Johnson, so we are now ready for the question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, September 7, 1999 at 4 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Hon. the Speaker: Honourable senators, we have now reached the end of the Order Paper. As Royal Assent has been called for eight o'clock this evening, I will now leave the Chair to return at the sound of the bell at 7:50 p.m. this evening.

The sitting of the Senate was suspended.

[Translation]

ROYAL ASSENT

His Excellency the Governor General of Canada took his seat upon the Throne. His Excellency was pleased to command the attendance of the House of Commons, and that House being come with their Speaker. His Excellency was pleased to give the royal assent to the following bills:

An Act respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence (*Bill C-40, Chapter 18, 1999*)

An Act to amend the Coastal Fisheries Protection Act and the Canada Shipping Act to enable Canada to implement the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and other international fisheries treaties or arrangements (*Bill C-27, Chapter 19, 1999*)

An Act authorizing the United States to preclear travellers and goods in Canada for entry into the United States for the purposes of customs, immigration, public health, food inspection and plant and animal health (*Bill S-22, Chapter 20, 1999*)

An Act to amend the Carriage by Air Act to give effect to a Protocol to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air and to give effect to the Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier (*Bill S-23, Chapter 21, 1999*)

An Act to amend the Income Tax Act, to implement measures that are consequential on changes to the Canada-U.S. Tax Convention (1980) and to amend the Income Tax Conventions Interpretation Act, the Old Age Security Act, the War Veterans Allowance Act and certain Acts related to the Income Tax Act (*Bill C-72, Chapter 22, 1999*)

An Act respecting advertising services supplied by foreign periodical publishers (*Bill C-55, Chapter 23, 1999*)

An Act providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management (*Bill C-49, Chapter 24, 1999*)

An Act to amend the Criminal Code (victims of crime) and another Act in consequence (*Bill C-79, Chapter 25, 1999*)

An Act to implement certain provisions of the budget tabled in Parliament on February 16, 1999 (*Bill C-71, Chapter 26, 1999*)

An Act to amend the National Housing Act and the Canada Mortgage and Housing Corporation Act and to make a consequential amendment to another Act (*Bill C-66, Chapter 27, 1999*)

An Act to amend the Bank Act, the Winding-up and Restructuring Act and other Acts relating to financial institutions and to make consequential amendments to other Acts (*Bill C-67, Chapter 28, 1999*)

An Act to establish an indemnification program for travelling exhibitions (*Bill C-64, Chapter 29, 1999*)

An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain Acts that have ceased to have effect (*Bill C-84, Chapter 31, 1999*)

An Act to amend the Criminal Code (impaired driving and related matters) (*Bill C-82, Chapter 32, 1999*)

An Act respecting the Alliance of Manufacturers & Exporters Canada (*Bill S-18*)

The Honourable Gilbert Parent, Speaker of the House of Commons, then addressed His Excellency the Governor General as follows:

May it please Your Honour.

The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present Your Honour the following bill:

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial years ending March 31, 2000 and March 31, 2001 (*Bill C-86, Chapter 30, 1999*),

To which bill, I humbly request Your Honour's assent.

His Excellency the Governor General was pleased to give the Royal Assent to the said bill.

The House of Commons withdrew.

His Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

The Senate adjourned until Tuesday, September 7, 1999, at 4 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 36th Parliament)
Thursday, June 17, 1999

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to amend the Canadian Transportation Accident Investigation and Safety Board Act and to make a consequential amendment to another Act (Sen. Graham)	97/09/30	97/10/21	Transport and Communications	98/04/02	four	98/05/27	98/06/18	20/98
S-3	An Act to amend the Pension Benefits Standards Act, 1985 and the Office of the Superintendent of Financial Institutions Act (Sen. Graham)	97/09/30	97/10/21	Banking, Trade and Commerce	97/11/05	seven	97/11/20	98/06/11	12/98
S-4	An Act to amend the Canada Shipping Act (maritime liability) (Sen. Graham)	97/10/08	97/10/22	Transport and Communications	97/12/12	three	97/12/16	98/05/12	06/98
S-5	An Act to amend the Canada Evidence Act and the Criminal Code in respect of persons with disabilities, to amend the Canadian Human Rights Act in respect of persons with disabilities and other matters and to make consequential amendments to other Acts (Sen. Graham)	97/10/09	97/10/29	Legal and Constitutional Affairs	97/12/04	one	97/12/11 Senate agreed to Commons amendments 98/05/06	98/05/12	09/98
S-9	An Act respecting depository bills and depository notes and to amend the Financial Administration Act (Sen. Graham)	97/12/03	97/12/12	Banking, Trade and Commerce	98/02/24	one	98/03/19	98/06/11	13/98
S-16	An Act to implement an agreement between Canada and the Socialist Republic of Vietnam, an agreement between Canada and the Republic of Croatia and a convention between Canada and the Republic of Chile, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	98/05/05	98/05/12	Foreign Affairs	98/05/28	none	98/06/02	98/12/03	33/98
S-21	An Act respecting the corruption of foreign public officials and the implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and to make related amendments to other Acts	98/12/01	98/12/03	Whole	98/12/03	one at 3rd	98/12/03	98/12/10	34/98
S-22	An Act authorizing the United States to pre-clear travellers and goods in Canada for entry into the United States for the purposes of customs, immigration, public health, food inspection and plant and animal health	98/12/01	99/02/11	Foreign Affairs	99/03/24	four	99/04/28	99/06/17	20/99

S-23

An Act to amend the Carriage by Air Act to give effect to a Protocol to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air and to give effect to the Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier

21/99

99/06/17

99/03/16

none

99/03/11

Transport and Communications

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-2	An Act to establish the Canada Pension Plan Investment Board and to amend the Canada Pension Plan and the Old Age Security Act and to make consequential amendments to other Acts	97/12/04	97/12/16	Committee of the whole 97/12/17	97/12/17	none	97/12/18	97/12/18	40/97
C-3	An Act respecting DNA identification and to make consequential amendments to the Criminal Code and other Acts	98/09/30	98/10/22	Legal and Constitutional Affairs	98/12/08	none	98/12/09	98/12/10	37/98
C-4	An Act to amend the Canadian Wheat Board Act and to make consequential amendments to other Acts	98/02/18	98/02/26	Agriculture and Forestry	98/05/14	five	98/05/14	98/06/11	17/98
C-5	An Act respecting cooperatives	97/12/09	97/12/16	Banking, Trade and Commerce	98/02/24	none	98/02/25	98/03/31	01/98
C-6	An Act to provide for an integrated system of land and water management in the Mackenzie Valley, to establish certain boards for that purpose and to make consequential amendments to other Acts	98/03/18	98/03/26	Aboriginal Peoples	98/06/09	none	98/06/18	98/06/18	25/98
C-7	An Act to establish the Saguenay-St. Lawrence Marine Park and to make a consequential amendment to another Act	97/11/25	97/12/02	Energy, Environment and Natural Resources	97/12/09	none	97/12/10	97/12/10	37/97
C-8	An Act respecting an accord between the Governments of Canada and the Yukon Territory relating to the administration and control of and legislative jurisdiction in respect of oil and gas	98/03/17	98/03/25	Aboriginal Peoples	98/03/31	none	98/04/01	98/05/12	05/98
C-9	An Act for making the system of Canadian ports competitive, efficient and commercially oriented, providing for the establishing of port authorities and the divesting of certain harbours and ports, for the commercialization of the St. Lawrence Seaway and ferry services and other matters related to maritime trade and transport and amending the Pilotage Act and repealing and repealing other Acts as a consequence	97/12/09	98/03/26	Transport and Communications	98/05/13	none	98/05/28	98/06/11	10/98

C-10	An Act to implement a convention between Canada and Sweden, a convention between Canada and the Republic of Lithuania, a convention between Canada and the Republic of Kazakhstan, a convention between Canada and the Republic of Ireland and a convention between Canada and the Kingdom of Denmark for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend the Canada-Netherlands Income Tax Convention Act, 1986 and the Canada-United States Tax Convention Act, 1984	97/12/02	97/12/08	Banking, Trade and Commerce	97/12/09	none	97/12/10	97/12/10	38/97
C-11	An Act respecting the imposition of duties of customs and other charges, to give effect to the International Convention on the Harmonized Commodity Description and Coding System, to provide relief against the imposition of certain duties of customs or other charges, to provide for other related matters and to amend or repeal certain Acts in consequence thereof.	97/11/19	97/11/27	Banking, Trade and Commerce	97/12/04	none	97/12/08	97/12/08	36/97
C-12	An Act to amend the Royal Canadian Mounted Police Superannuation Act	98/04/28	98/04/30	Social Affairs, Science & Technology	98/06/04	none	98/06/08	98/06/11	11/98
C-13	An Act to amend the Parliament of Canada Act	97/10/30	97/11/05	Legal and Constitutional Affairs	97/11/06	none	97/11/18	97/11/27	32/97
C-15	An Act to amend the Canada Shipping Act and to make consequential amendments to other Acts	98/05/05	98/06/03	Transport and Communications	98/06/10	none	98/06/11	98/06/11	16/98
C-16	An Act to amend the Criminal Code and the Interpretation Act (powers to arrest and enter dwellings)	97/11/18	97/12/11	Legal and Constitutional Affairs	97/12/16	none	97/12/17	97/12/18	39/97
C-17	An Act to amend the Telecommunications Act and the Teleglobe Canada Reorganization and Divestiture Act	97/12/09	98/02/24	Transport and Communications	98/03/25	none	98/04/29	98/05/12	08/98
C-18	An Act to amend the Customs Act and the Criminal Code	98/02/10	98/02/18	Legal and Constitutional Affairs	98/04/02	none	98/04/28	98/05/12	07/98
C-19	An Act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other Acts	98/05/26	98/06/08	Social Affairs, Science & Technology	98/06/18	none	98/06/18	98/06/18	26/98
C-20	An Act to amend the Competition Act and to make consequential and related amendments to other Acts	98/09/24	98/11/17	Banking, Trade and Commerce	98/12/03	none + two at 3rd concour in Commons amendments	98/12/10 Commons amendments referred to Committee 99/02/11	99/03/11	02/99

C-21	An Act to amend the Small Business Loans Act	98/03/19	98/03/25	Banking, Trade and Commerce	98/03/26	none	98/03/31	98/03/31	04/98
C-22	An Act to Implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	97/11/25	97/11/26	Foreign Affairs	97/11/27	none	97/11/27	97/11/27	33/97
C-23	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	97/11/26	97/12/04	—	—	—	97/12/08	97/12/08	35/97
C-24	An Act to provide for the resumption and continuation of postal services	97/12/02	97/12/03	Committee of the whole	97/12/03	none	97/12/03	97/12/03	34/97
C-25	An Act to amend the National Defence Act and to make consequential amendments to other Acts	98/06/11	98/06/18	Legal and Constitutional Affairs	98/11/24	one	98/12/01	98/12/10	35/98
C-26	An Act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Grain Futures Act	98/06/08	98/06/16	Agriculture and Forestry	98/06/18	none	98/06/18	98/06/18	22/98
C-27	An Act to amend the Coastal Fisheries Protection Act and the Canada Shipping Act to enable Canada to implement the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and other international fisheries treaties or arrangements	99/04/21	99/04/27	Fisheries	99/05/13	none	99/05/13	99/06/17	19/99
C-28	An Act to amend the Income Tax Act, the Income Tax Application Rules, the Bankruptcy and Insolvency Act, the Canada Pension Plan, the Children's Special Allowances Act, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the Income Tax Conventions Interpretation Act, the Old Age Security Act, the Tax Court of Canada Act, the Tax Rebate Discounting Act, the Unemployment Insurance Act, the Western Grain Transition Payments Act and certain Acts related to the Income Tax Act	98/04/28	98/05/12	Banking, Trade and Commerce	98/06/04	none	98/06/16	98/06/18	19/98
C-29	An Act to establish the Parks Canada Agency and to amend other Acts as a consequence	98/06/03	98/06/15	Energy, the Environment and Natural Resources	98/10/20	none	98/11/19	98/12/03	31/98
C-30	An Act respecting the powers of the Mi'kmaq of Nova Scotia in relation to education	98/06/11	98/06/16	Aboriginal Peoples	98/06/18	none	98/06/18	98/06/18	24/98

C-31	An Act respecting Canada Lands Surveyors	98/05/07	98/05/26	Energy, the Environment and Natural Resources	98/06/09	none	98/06/10	98/06/11	14/98
C-32	An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development	99/06/02	99/06/08	Energy, the Environment and Natural Resources					
C-33	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	98/03/18	98/03/25	—	—	—	98/03/26	98/03/31	02/98
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/03/18	98/03/26	—	—	—	98/03/31	98/03/31	03/98
C-35	An Act to amend the Special Import Measures Act and the Canadian International Trade Tribunal Act	98/12/07	99/02/17	Foreign Affairs	99/03/24	none	99/03/25	99/03/25	12/99
C-36	An Act to implement certain provisions of the budget tabled in Parliament on February 24, 1998	98/05/28	98/06/08	National Finance	98/06/15	none	98/06/17	98/06/18	21/98
C-37	An Act to amend the Judges Act and to make consequential amendments to other Acts	98/06/11	98/09/22	Legal and Constitutional Affairs	98/10/22	eight	98/11/04	98/11/18	30/98
C-38	An Act to amend the National Parks Act (creation of Tuktoyaktuk National Park)	98/06/15	98/06/17	Energy, the Environment and Natural Resources	98/12/01	none	98/12/10	98/12/10	39/98
C-39	An Act to amend the Nunavut Act and the Constitution Act, 1867	98/06/03	98/06/08	Aboriginal Peoples	98/06/09	none	98/06/10	98/06/11	15/98
C-40	An Act respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence	98/12/02	98/12/10	Legal and Constitutional Affairs	99/03/25	none	99/05/12	99/06/17	18/99
C-41	An Act to amend the Royal Canadian Mint Act and the Currency Act	98/12/02	98/12/09	National Finance	99/02/18	none	99/03/02	99/03/11	04/99
C-42	An Act to amend the Tobacco Act	98/12/02	98/12/08	Legal and Constitutional Affairs	98/12/10	none	98/12/10	98/12/10	38/98
C-43	An Act to establish the Canada Customs and Revenue Agency and to amend and repeal other Acts as a consequence	98/12/08	99/02/10	National Finance	99/03/18	none	99/04/27	99/04/29	17/99
C-45	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/06/10	98/06/16	—	—	—	98/06/17	98/06/18	28/98
C-46	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/06/10	98/06/16	—	—	—	98/06/17	98/06/18	29/98
C-47	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	98/06/11	99/06/16	Banking, Trade and Commerce	98/06/17	none	98/06/18	98/06/18	23/98

C-49	An Act providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management	99/03/09	99/04/13	Aboriginal Peoples	99/05/13	2	99/05/13	99/06/17	24/99
C-51	An Act to amend the Criminal Code, the Controlled Drugs and Substances Act and the Corrections and Conditional Release Act	98/11/18	98/12/03	Legal and Constitutional Affairs	99/03/04	none	99/03/09	99/03/11	05/99
C-52	An Act to implement the Comprehensive Nuclear Test-Ban Treaty	98/10/20	98/10/28	Foreign Affairs	98/11/18	one	98/11/24	98/12/03	32/98
C-53	An Act to increase the availability of financing for the establishment, expansion, modernization and improvement of small businesses	98/11/25	98/12/02	Banking, Trade and Commerce	98/12/08	none	98/12/09	98/12/10	36/98
C-55	An Act respecting advertising services supplied by foreign periodical publishers	99/03/16	99/03/24	Transport and Communications	99/05/31	3	99/06/08	99/06/17	23/99
C-57	An Act to amend the Nunavut Act with respect to the Nunavut Court of Justice and to amend other Acts in consequence	98/12/07	98/12/10	Legal and Constitutional Affairs	99/02/18	none	99/03/02	99/03/11	03/99
C-58	An Act to amend the Railway Safety Act and to make a consequential amendment to another Act	99/02/02	99/02/11	Transport and Communications	99/03/17	none	99/03/18	99/03/25	09/99
C-59	An Act to amend the Insurance Companies Act	98/12/10	99/02/04	Banking, Trade and Commerce	99/02/16	none	99/02/18	99/03/11	01/99
C-60	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/12/02	98/12/08	—	—	—	98/12/09	98/12/10	40/98
C-61	An Act to amend the War Veterans Allowance Act, the Pension Act, the Merchant Navy Veteran and Civilian War-related Benefits Act, the Department of Veterans Affairs Act, the Veterans Review and Appeal Board Act and the Halifax Relief Commission Pension Continuation Act and to amend certain other Acts in consequence thereof	99/03/16	99/03/18	Social Affairs, Science & Technology	99/03/23	none	99/03/24	99/03/25	10/99
C-64	An Act to establish an indemnification program for travelling exhibitions	99/05/31	99/06/03	Social Affairs, Science & Technology	99/06/10	none	99/06/14	99/06/17	29/99
C-65	An Act to amend the Federal-Provincial Fiscal Arrangements Act	99/03/11	99/03/16	National Finance	99/03/23	none	99/03/24	99/03/25	11/99
C-66	An Act to amend the National Housing Act and the Canada Mortgage and Housing Corporation Act and to make a consequential amendment to another Act	99/05/11	99/05/11	Social Affairs, Science & Technology	99/06/10	none	99/06/14	99/06/17	27/99
C-67	An Act to amend the Bank Act, the Winding-up and Restructuring Act and other Acts relating to financial institutions and to make consequential amendments to other Acts	99/05/31	99/06/03	Banking, Trade and Commerce	99/06/10	none	99/06/14	99/06/17	28/99

C-69	An Act to amend the Criminal Records Act and to amend another Act in consequence	99/05/31	99/06/08	Legal and Constitutional Affairs					
C-71	An Act to implement certain provisions of the budget tabled in Parliament on February 16, 1999	99/05/11	99/05/12	National Finance	99/06/03	none	99/06/14	99/06/17	26/99
C-72	An Act to amend the Income Tax Act, to implement measures that are consequential on changes to the Canada-U.S. Tax Convention (1980) and to amend the Income Tax Conventions Interpretation Act, the Old Age Security Act, the War Veterans Allowance Act and certain Acts related to the Income Tax Act	99/05/11	99/05/13	Banking, Trade and Commerce	99/03/31	none	99/06/07	99/06/17	22/99
C-73	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	99/03/17	99/03/23	—	—	—	99/03/24	99/03/25	14/99
C-74	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000	99/03/17	99/03/24	—	—	—	99/03/25	99/03/25	15/99
C-76	An Act to provide for the resumption and continuation of government services	99/03/24	99/03/24	Committee of the Whole	99/03/25	99/03/25	99/03/25	99/03/25	13/99
C-78	An Act to establish the Public Sector Pension Investment Board, to amend the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the Royal Canadian Mounted Police Superannuation Act, the Defence Services Pension Continuation Act, the Royal Canadian Mounted Police Pension Continuation Act, the Members of Parliament Retiring Allowances Act and the Canada Post Corporation Act and to make a consequential amendment to another Act	99/05/31	99/06/03	Banking, Trade and Commerce	99/06/15	none	referred back to Committee	99/06/17	
C-79	An Act to amend the Criminal Code (victims of crime) and another Act in consequences	99/05/31	99/06/08	Legal and Constitutional Affairs	99/06/10	none	99/06/14	99/06/17	25/99
C-82	An Act to amend the Criminal Code (impaired driving and related matters)	99/06/10	99/06/14	Legal and Constitutional Affairs	99/06/16	none	99/06/17	99/06/17	32/99
C-84	An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain Acts that have ceased to have effect	99/06/10	99/06/15	—	—	—	99/06/16	99/06/17	31/99
C-86	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial years ending March 31, 2000 and March 31, 2001	99/06/09	99/06/14	—	—	—	99/06/15	99/06/17	30/99

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-208	An Act to amend the Access to Information Act	98/11/17	99/02/11	Social Affairs, Science & Technology	99/03/11	none	99/03/16	99/03/25	16/99

C-220	An Act to amend the Criminal Code and the Copyright Act (profit from authorship respecting a crime) (Sen. Lewis)	97/10/02	97/10/22	Legal and Constitutional Affairs	98/06/10 adopted	recommend Bill not proceed
C-251	An Act to amend the Criminal Code and the Corrections and Conditional Release Act (cumulative sentences)	99/06/08				
C-410	An Act to change the name of certain electoral districts	98/05/28	98/06/04	Legal and Constitutional Affairs	98/06/09	98/06/18 27/98
C-411	An Act to amend the Canada Elections Act	98/05/28	98/06/04	Legal and Constitutional Affairs	98/06/08	98/06/11 18/98
C-445	An Act to change the name of the electoral district of Stormont-Dundas	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	99/03/11 07/99
C-464	An Act to change the name of the electoral district of Sackville-Eastern Shore	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	99/03/11 08/99
C-465	An Act to change the name of the electoral district of Argenteuil-Papineau	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	99/03/11 06/99

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-6	An Act to establish a National Historic Park to commemorate the "Persons Case" (Sen. Kenny)	97/11/05	97/11/25	Energy, the Environment and Natural Resources					
S-7	An Act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable (Sen. Haidasz, P.C.)	97/11/19	97/12/02	Legal and Constitutional Affairs					
S-8	An Act to amend the Tobacco Act (content regulation) (Sen. Haidasz, P.C.)	97/11/26	97/12/17	Social Affairs, Science & Technology	98/04/30	two	Dropped from Order Paper pursuant to Rule 27(3) 98/10/01		
S-10	An Act to amend the Excise Tax Act (Sen. Di Nino)	97/12/03	98/03/19	Social Affairs, Science & Technology	98/06/03	none	referred back to Committee 98/09/24		
S-11	An Act to amend the Canadian Human Rights Act in order to add social condition as a prohibited ground of discrimination (Sen. Cohen)	97/12/10	98/03/17	Legal and Constitutional Affairs	98/12/09 98/06/04	one one	98/06/09	<i>Motion for 2nd reading negated in the Commons 99/04/13</i>	
S-12	An Act to amend the Criminal Code (abuse of process) (Sen. Cools)	98/02/10	98/05/06	Legal and Constitutional Affairs					
S-13	An Act to incorporate and to establish an industry levy to provide for the Canadian Anti-Smoking Youth Foundation (Sen. Kenny)	98/02/26	98/04/02	Social Affairs, Science & Technology	98/05/14	seven + two at 3rd	98/06/10	<i>Bill withdrawn pursuant to Commons Speaker's Ruling 98/12/02</i>	
S-14	An Act providing for self-government by the first nations of Canada (Sen. Tkachuk)	98/03/25	98/03/31	Aboriginal Peoples					
S-15	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	98/04/02	98/06/09	Legal and Constitutional Affairs	98/06/18 Report & Bill withdrawn 98/12/08	four			
S-17	An Act to amend the Criminal Code respecting criminal harassment and other related matters (Sen. Oliver)	98/05/12	98/06/02	Legal and Constitutional Affairs					
S-19	An Act to give further recognition to the war-time service of Canadian merchant navy veterans and to provide for their fair and equitable treatment (Sen. Forrestall)	98/06/18	Negated 99/06/14						

S-24	An Act to provide for judicial preauthorization of requests to be made to a foreign or international authority or organization for a search or seizure outside Canada (Sen. Beaudoin)	99/03/03	99/06/08	Legal and Constitutional Affairs	
S-26	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	99/03/10			
S-27	An Act to amend the Canada Elections Act (hours of polling at by-elections) (Sen. Lynch-Staunton)	99/03/16			
S-28	An Act to amend the Canada Elections Act (hours of polling in Saskatchewan) (Sen. Andreychuk)	99/04/20			
S-29	An Act to amend the Criminal Code (Protection of Patients and Health Care Providers) (Sen. Laviolette-Houx)	99/04/29	99/06/15	Legal and Constitutional Affairs	

PRIVATE BILLS

S-18	An Act respecting the Alliance of Manufacturers & Exporters Canada (Sen. Kelleher, P.C.) (Dropped from Order Paper pursuant to Rule 27(3)98/11/17) (Restored to Order paper 99/04/15)	98/06/17	99/04/20	Banking, Trade and Commerce	99/05/05	99/06/17
S-20	An Act to amend the Act of incorporation of the Roman Catholic Episcopal Corporation of Mackenzie (Sen. Taylor)	98/09/23	98/10/29	Social Affairs, Science & Technology	98/12/03	98/12/09
S-25	An Act respecting the Certified General Accountants Association of Canada (Sen. Kirby)	99/03/04	99/03/23	Banking, Trade and Commerce	99/04/20	99/04/22
S-30	An Act to amend the Act of incorporation of the Board of Elders of the Canadian District of the Moravian Church in America (Sen. Taylor)	99/05/13	99/06/16	Social Affairs, Science & Technology		

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CANADA

Debates of the Senate

1st SESSION

• 36th PARLIAMENT

• VOLUME 137

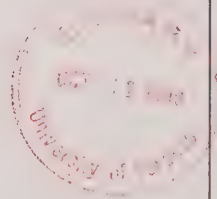
• NUMBER 153

OFFICIAL REPORT
(HANSARD)

Tuesday, September 7, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

This issue contains the latest listing of Officers of the Senate, the Ministry,
Senators and Members of the Senate and Joint Committees.



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Debates: Chambers Building, Room 943, Tel. 995-5805

Published by the Senate

Available from Canada Communication Group — Publishing, Public Works and
Government Services Canada, Ottawa K1A 0S9,

Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, September 7, 1999

The Senate met at 4:00 p.m., the Speaker in the Chair.

Prayers.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before proceeding with the Orders of the Day, I would like to welcome you back from vacation.

[English]

I trust that, after the summer recess, all honourable senators have come back full of goodwill, cooperation and understanding. I wish you all welcome back on this occasion.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before we proceed, I should like to acknowledge the presence in our gallery today of many distinguished visitors. I cannot possibly mention all of them by name, but I will single out two of them: the Deputy Prime Minister, the Honourable Herb Gray, accompanied by some members of the House of Commons, and the Premier of Newfoundland and Labrador, the Honourable Brian Tobin. Premier Tobin is also accompanied by some ministers from his cabinet.

• (1620)

NEW SENATORS

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that the Clerk has received certificates from the Registrar General of Canada showing that the following persons, respectively, have been summoned to the Senate:

Sheila Finestone, P.C.
Ione Christensen, C.M.
George J. Furey
Melvin Perry
Nick G. Sibbeston
Isobel Finnerty

INTRODUCTION

The Hon. the Speaker having informed the Senate that there were senators without, waiting to be introduced:

The following honourable senators were introduced; presented Her Majesty's writs of summons; took the oath prescribed by law, which was administered by the Clerk; and were seated:

Hon. Sheila Finestone, of Montreal, Quebec, introduced between Hon. B. Alasdair Graham, P.C., and Hon. Joan Fraser.

Hon. Ione Christensen, of Whitehorse, Yukon Territory, introduced between Hon. B. Alasdair Graham, P.C., and Hon. Jeremiah S. Grafstein.

Hon. George J. Furey, of St. John's, Newfoundland, introduced between Hon. B. Alasdair Graham, P.C., and Hon. P. Derek Lewis.

Hon. Melvin Perry, of St. Louis, Prince Edward Island, introduced between Hon. B. Alasdair Graham, P.C., and Hon. Catherine S. Callbeck.

Hon. Nick G. Sibbeston, of Fort Simpson, Northwest Territories, introduced between Hon. B. Alasdair Graham, P.C., and Hon. Willie Adams.

Hon. Isobel Finnerty, of Burlington, Ontario, introduced between Hon. B. Alasdair Graham, P.C., and Hon. Bill Rompkey.

The Hon. the Speaker informed the Senate that each of the honourable senators named above had made and subscribed the declaration of qualification required by the Constitution Act, 1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

[Translation]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, first of all, I would like to greet all honourable senators and issue an extremely warm welcome to our new colleagues, who come from various regions of the country.

[English]

Honourable senators will recall that the origins of our parliamentary system were rooted in the historic document known as the Magna Carta, the words of which have guided the evolution of many contemporary Western democracies. In part it reads:

To no one will we sell, to no one deny or delay right or justice.

Those words, written in the 13th century, have guided the thoughts and actions of dedicated parliamentarians over many years.

• (1650)

Canada's brilliant Edward Blake spoke simply of the meaning of Parliament in the House of Commons a little over a century ago. He said:

The privileges of Parliament are the privileges of the people, and the rights of Parliament are the rights of the people.

As we enter a new century, these words remind us of a tradition which we have inherited; an unchanged tradition and a privilege very few are fortunate enough to possess. That, honourable senators, is the wonderful privilege of public service.

I take great pride today, first, in introducing Senator Sheila Finestone, because in this experienced and vigorous parliamentarian we find a person who has epitomized, in her work and her dedication to the people of this country and her province, not only the words and the spirit but the very active and disciplined pursuit of right and justice.

Someone once said that those who expect to reap the blessings of freedom must undergo the fatigue of supporting it. The indefatigable, four-term elected Member of Parliament for Mount Royal, Senator Sheila Finestone has always been respected as a quick study with an enormous capacity for understanding the fine print in complicated fields such as telecommunications, among many others. She developed a highly respected expertise in the sophisticated, fast moving, high technology sector. Throughout her parliamentary career, Sheila was an outstanding and acknowledged leader in the cause of protecting cultural and linguistic minority rights and a compelling champion of multiculturalism.

Sworn to the Privy Council in November of 1993 as secretary of state for multiculturalism and the status of women, she would lead the Canadian delegation to the 1995 United Nations Conference on Women in Beijing. At the time of her appointment to the Senate, she was chair of the Standing Joint Committee on Official Languages and a member of the Standing Committee on Justice and Human Rights and the Standing Committee on Foreign Affairs and International Trade. She is chair of the Canadian Group of the Inter-Parliamentary Union, and vice-chair of the IPU's Coordinating Committee of Women Parliamentarians. As well, she is parliamentary advisor to the Minister of Foreign Affairs on anti-personnel land mines.

Senator Finestone has a long record of community service, including serving as president of la Fédération des femmes du Québec, as vice-president of both Allied Jewish Community Services and the YMYWHA, as well as on the executive council for the "No" during the 1980 referendum. Her work has been recognized with numerous prestigious awards, including the

Samuel Bronfman Award for exceptional service to the Montreal Jewish community, and the Jackie Robinson Special Award from the Montreal Black Business Persons and Professionals.

Honourable senators, this respected legislator will add new dimensions to our job here as guardian of the rights and freedoms of Canadians. As a devoted parliamentarian, Senator Sheila Finestone brings a razor-sharp mind and tireless energy to this historic place, the workshop of government, the Senate of Canada.

Honourable senators, this past summer I visited Whitehorse to speak at a memorial service in honour of our old friend and colleague Senator Paul Lucier. As always in my visits to the Yukon over the years, I reflected on the remarkable beauty of this big, unspoiled, majestic country of treeless land and 24-hour sunlight. I thought about the tundra and the small communities, of the vision and the spirit of its wonderful people, of their future hopes and their dreams. I thought about Paul's message to those of us from outside this land of glistening snow-covered valleys and rugged mountains, to those of us who have never seen the great river christened by our First Nations, the great river from which this beautiful territory takes its name. What happens to the North will tell us a lot about the kind of people, the kind of Canadians, we are.

As we welcome Senator Ione Christensen to this chamber, we are graced by the presence of a resolute champion of the Yukon and its people who, by her energy and her spirit, has become widely known not only in her own beloved territory but across Canada as well. A distinguished public servant with deep roots in the community, she has served as justice of the peace and chair of the City of Whitehorse Planning Board. She went on to serve two terms as mayor of Whitehorse, became Commissioner of the Yukon in 1979 and chair of the Association of Yukon Municipalities.

A member of the Order of Canada, Senator Christensen has led a remarkably busy and eclectic life — and honourable senators may take that as an understatement. Among other things, she was a director of Petro-Canada and PanArctic, and worked in the Whitehorse office of the Department of Energy, Mines and Resources. She has served as an arbitrator with the Yukon Public Service Commission and as chair of the Advisory Committee on Waste Management of the Government of the Yukon, as well as becoming executive director of Crossroads Alcohol and Drug Treatment Centre and director of the National Association of Canadian Land Surveyors.

As we reflect upon the appointment of Senator Christensen to this chamber, we are reminded that the North is our great challenge and our great adventure as Canadians. The Yukon is truly a land of mystery and a land of magic. Ione brings with her an understanding of the mystery, which is unparalleled, and an intuitive sense of the magic which few could rival.

Senator Christensen, we are confident that we will learn much from the depth of your experience and the breadth of your vision in the months and the years to come.

Honourable senators, on March 31, 1949, 50 years ago this year, the wonderful island of Newfoundland became the tenth province in the Canadian federation. I understand that there has always been a debate, as Joey Smallwood once pointed out, over whether it would be historically and constitutionally as correct to say that Newfoundland absorbed Canada, or took her over, as it would be to say that Canada absorbed Newfoundland. On the occasion of this great anniversary, some Newfoundlanders might contend that the answer to this question has yet to be found.

Whatever the answer, those proud Newfoundlanders, once citizens of a small but significant nation in its own right, have brought a sense of joy and adventure and all the talent of a warm-hearted, resilient and dynamic people to the political, economic, and artistic life of our country.

Like many of his adventuresome ancestors, Senator George Furey has never been slow to respond to challenges he has found threatening to the interests of his province or his country, no matter to what province or rally he and his like-thinking, like-minded Newfoundlanders have had to fly.

There is a history to the kind of imaginative actions that George and his friends took as they landed in Montreal for the big rally which attracted over 100,000 Canadians at the height of the nation's trauma over the future of Confederation in 1995.

• (1700)

In speaking of that great rally, His Honour the Speaker made reference to the presence in the gallery of the Deputy Prime Minister, the Honourable Herb Gray, and of the Premier of Newfoundland and Labrador, the Honourable Brian Tobin, along with his special guests. Without digressing too much, I want to emphasize that both the deputy prime minister and the premier are great champions of the work of this chamber.

"Where are the Newfoundlanders?" asked First Sea Lord Winston Churchill in the desperate days of 1939. "They are the most skilled seamen in small boats in rough water who exist," he said. "Please prepare me measures whereby 1,000 may be sent at once." "Newfoundlanders" emphasized the person who later became Prime Minister Churchill, "— have nothing new to learn about the sea."

No matter where the rough waters, be it in the dark days of 1939 or the troubled, anxious hours of October 1995, the Newfoundlanders were there when the going got tough. For Senator George Furey, who seems to have inherited all the daring of generations past, the guiding idea has always been to go beyond one's fingertips in defence of what one believed was right.

A native of St. John's and a distinguished educator and lawyer, Senator Furey, like many Newfoundlanders, understands the value of cooperation in good times and in bad. As a widely respected community leader, he has given his time to numerous voluntary groups, professional boards and provincial commissions, including the Newfoundland Teachers'

Association, the Boy Scouts of Canada, the St. Clare's Mercy Hospital Ethics Committee, the Gonzaga High School Council and the Provincial Police Complaints Commission.

Senator Furey earned two Bachelor of Arts degrees and a Master's in education from Memorial University. He served as a teacher and supervising vice-principal, and later a supervising principal, of the Placentia-St. Mary's Roman Catholic School Board.

In 1980, George enrolled at Dalhousie University, earning his law degree in 1983. He was admitted to the Newfoundland bar in 1984, and by 1989 he was a senior partner in the firm of O'Brien, Furey and Smith.

Senator Furey, you come to the Senate of Canada 50 years after the hard fought campaign to bring Newfoundland into Confederation. You bring with you long years of service to your community and to your province. This chamber has been served by generations of fine public servants who have been part of the ongoing struggle to build the Canadian ideal, a special ideal based on tolerance and sharing, on equality and decency. We welcome you, Senator Furey, to this proud tradition, knowing that you will bring the same wisdom, imagination and strong sense of responsibility to the work of the Senate of Canada that you have already given to the people of Newfoundland.

Hon. Senators: Hear, hear!

Senator Graham: Honourable senators, one of the great events of the year of la Francophonie was the Congrès Mondial Acadien, which concluded with celebrations in Lafayette, Louisiana and the wonderful spectacle *Cri du Bayou* at the Cajundome. In many ways, the pure joy which lit up the faces of the thousands of participants was all part of the miracle of the *survivance française*, and the pride of the Cajuns and their cousins throughout North America in the face of the centuries old challenge of preserving the language and Acadian culture in faraway Louisiana.

For the Acadians of Atlantic Canada, enchanted by the warmth and camaraderie of their cousins deep in the American South, this was very much a realization of the strength of the distinctive people who shared a beautiful but tragic history.

[Translation]

They could see that their future and the future of the Acadian community in Louisiana depended on their being part of the national and international Francophonie.

[English]

At the fête nationale celebrations in Caraquet this year, on August 15, the beautiful Acadian flag flew proudly over a people who have faced one of the cruelest events of the colonial period, the deportations of 1755 to 1763. Indeed, at that time, the majority of the Acadian people were exiled to the American colonies as well as to England and France.

[Translation]

This flag, the French tricolour with a yellow star, is a symbol of national pride.

[English]

While the star represents the Assumption, the special feast day of the Acadians, it also was designed to symbolize the star of the sea which guided sailors through tempests and around threatening reefs.

In this the year of la Francophonie, that star of gold is a symbol of a people who have travelled with courage and with strength across some of the most turbulent and troubled waters on the planet. Because of the hard work of local educators and community leaders like Senator Melvin Perry, a colourful, proud and talented people continue to follow that star.

Senator Perry comes to this chamber at the conclusion of the historic Francophonie summit held in Moncton at the heart of l'Acadie, and at a time of great joy in a vibrant, culturally rich and confident Acadian community. An accomplished educator, he has been a leading promoter of Acadian culture on Prince Edward Island. Indeed, he is the first Acadian from Prince Edward Island to be appointed in over 100 years, a fitting highlight of this year of la Francophonie in Canada.

His distinguished 34-year teaching career culminated with his 15-year tenure as principal of St. Louis School. He has earned special recognition and respect for his work promoting Acadian culture in the province and in his continuing fight for the linguistic rights of Acadians on the island which has included service with the Saint Thomas Aquinas Society, La Voix Acadienne Ltée and on Entente Canada Communauté.

It was once said that a teacher affects eternity. He or she can never tell where his or her influence will stop. Today, as we welcome Senator Perry to the Senate of Canada, we celebrate a nation which has fought the vicissitudes of history and, following its star, now basks under the sunshine of proud accomplishment. As we reflect on the miracle of 3,000 children attending immersion classes down in the bayou, we remember that it is the hard work and the vision of Acadian educators like Melvin Perry who have kept the dream alive no matter where they may live in Canada.

Today, we celebrate another momentous day in the year of la Francophonie by welcoming Senator Perry to the Senate of Canada.

Hon. Senators: Hear, hear!

Senator Graham: Honourable senators, Senator Nick Sibbeston was born in Fort Simpson in the Northwest Territories, and attended residential school there, as well as in Providence, Inuvik and Yellowknife. He went on to secure a Bachelor of Arts and a law degree from the University of Alberta. However, at no time did he lose his sense of commitment to his roots, and at no time did he lose sight of his

destiny: it was to dedicate his life to public service, and particularly to the needs of the aboriginal people of the North.

As a young Métis, he knew personally the hopes and dreams of our First Nations. He knew the secrets only our First Nations truly understood. They had paddled the wilderness waters and knew the pain of the portage. They knew the treeless lands and the unspoiled rivers. They were the key to a vital part of our national identity. They were part of our special bond with the vast distances, with the adventure, the solitude and the mystery of our great Canadian wilderness, and the Canadian psyche itself.

• (1710)

From the time of his attendance at residential school, the young Nick Sibbeston understood the meaning of hope and belief in the lives of a proud people as they struggled for release from the inequities of the past. Most of all, he understood that to aspire to great things in the future, our First Nations must not only act but dream, must not only dream but believe, because the great reality of all things Canadian is that the real soul of our country will only be returned to us by the First Nations who hold the key.

The Métis people are renowned in our history for a belief in the rights of the small, as Louis Riel once said, because, great or small, those rights are the same for everyone. Senator Sibbeston's life will become a testament to these beautiful words. He went on to become a distinguished member of the Northwest Territories Legislative Assembly, where he served six years in cabinet and two years as premier. He represented the Government of the Northwest Territories as premier at first ministers' conferences on the economy and on aboriginal constitutional matters. More recently, he has worked as a justice specialist and served four years on the Canadian Human Rights Panel/Tribunal. He has also served as cultural advisor and Slavey-language advisor for the television program *North of 60*.

On all the roads he has taken in his life, Nick Sibbeston had a dream. It was a dream about equity and a level playing field for all of our people. It was a dream about respect and dignity, a dream about communities and societies where our First Nations have the right to hope, liberated from despair and intolerance — places where children have the right to grow up equal.

As we welcome Senator Sibbeston to this chamber, we do so with great pride, for this is a man who has fought over a lifetime for the rights of the small, because, great or small, those rights indeed are the same for everyone.

Hon. Senators: Hear, hear!

Senator Graham: Honourable senators, many decades ago, Nellie McClung wrote that woman's place in the new order is to bring vision and imagination to work on life's problems. If this courageous member of the valiant five were here today, she would no doubt smile approvingly as Senator Isobel Finnerty is welcomed to this chamber. No doubt she would think, as she looked at the 32 women senators seated in this chamber today, of the landmark decision in the Persons Case, delivered by Lord Stanley, Lord Chancellor of the Privy Council of Great Britain in 1929, the decision by which women became eligible to become members of the Senate of Canada.

[Senator Graham]

As we think of the good fight for the new order, the good fight for a fair, just, and equitable society, we think of all the straight-talking, hard-working women of extraordinary energy and dedication who have helped to take us there.

Senator Isobel Finnerty blazed a trail for women in the early post-war years, enrolling in Timmins business college, working as a medical secretary, and paralleling all that with a real flair for community service. She was appointed to the Timmins Parks and Recreation Commission in 1947 at the age of 19, and served as its sole woman member until 20 years later, in 1967. She gave her extra hours to education, the YMCA, and the Canadian Cancer Society.

Her personal success has been based on some pretty timeless truths. Isobel has always given a little more than she had to. She has always aimed a little higher than maybe even she sometimes thought possible. She has always tried a little harder than probably even she wanted to; and she has understood, in her down-to-earth way of doing things, that laughter is almost always the shortest distance between two people.

Throughout her active life, she has made an indelible mark in the field of political organization at the federal and provincial levels. Her talent and her reputation have seen her invited to train others in every province in Canada. In 1994, she was invited to Benin, Africa, as an international trainer for the National Democratic Institute for International Affairs, which is based in Washington, D.C.

Senator Finnerty's grassroots activism and joyous energy, her reputation as a straight shooter and honest broker are all much-needed resources in this chamber at present — a time when the Senate of Canada has become the whipping boy for the individual discontents of media analysts, political pundits of various persuasions, and a whole host of misinformed observers who have taken to maligning this institution. For all of us who love and honour this place, this institution, Senator Finnerty will bring new fire and new energy to the campaign to get the message out to the Canadian people, honestly and fairly.

All of us here today know that we have work to do in educating and informing the people of this country about the role of this honourable institution, an institution that has been on the cutting edge of issues which have a daily impact on their individual and collective lives and freedoms. Yes, we have work to do, and Senator Finnerty can be counted on to tirelessly take up the challenge. In the spirit of the good fight of 1929, we welcome a woman of endless energy, and a huge heart to help, to the Senate of Canada.

Hon. Senators: Hear, hear!

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, on behalf of the official opposition, I am pleased to join with the Leader of the Government in welcoming our six new colleagues. There is very little I can add to what he has already said, except to note with interest the seating arrangement which has been set out to accommodate our new

senators. Four are at the extreme end of the majority side and two have joined some of their colleagues on the right side of the house, which I want to add, with traditional Tory modesty, should not be considered or identified as the side of the righteous. This will allow them all to observe, from a privileged position, the sometimes perplexing conduct of the majority side, and also to follow, from this position, those whose role it is to keep this conduct in check. Perhaps in time, their observations may tempt them to seek permanent asylum over here — a request which I assure them will be given the same generous treatment as is given that of any refugee claimant.

Meanwhile, leaving aside political allegiance, one cannot but be impressed with the biography of each of the six as summarized by Senator Graham. They reinforce a claim I and others have made numerous times, and which has yet to be contradicted: The diversity of background, ability, knowledge, and commitment residing in the Senate of Canada are at least equal to, if not greater than, those found in any elected legislature in Canada, be it federal or provincial.

I urge our new colleagues not to pay heed to those shrill voices of pathetic malcontents whose negativism towards the Senate is an insult to Parliament as a whole. It is quite appropriate, in a country such as ours, as democratic as it is, to question the continued existence of an appointed body with powers equal, with few exceptions, to those of the other place. We have done so ourselves on more than one occasion in this very chamber, and none is more anxious for a properly reformed Senate than the senators themselves who sit here today, but only as part of the result of a well-informed debate, not one based on ignorance.

• (1720)

That being said, it is thanks to this appointed body that the country has been spared contradictory and flawed legislation, and even some which was clearly unconstitutional. Too often, bills are sent here in undue haste and without adequate study. It is thanks to the Senate's diligence and commitment that the final product is a vast improvement over the original version.

Honourable senators, I have no doubt that our new colleagues will make their own special contribution to this process. I wish them all the best as they assume their new responsibilities.

SENATORS' STATEMENTS

QUESTION OF PRIVILEGE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise on a question of privilege. Pursuant to rule 43(7) of the *Rules of the Senate of Canada*, I rise to give oral notice that I shall raise a question of privilege in respect to a witness, namely, Dr. Shiv Chopra, who appeared before the Standing Senate Committee on Agriculture and Forestry during its study on recombinant bovine growth hormone, rBST, and its effect on the human and animal safety aspects.

Earlier today, pursuant to rule 43(3), I gave written notice to the Clerk of the Senate. At the appropriate time, I shall ask His Honour to rule on the facts that I will outline in detail in order to make a determination as to whether or not there is a *prima facie* case, as I believe there is, of breach of privilege.

Honourable senators, as today is such a special day, with the unanimous consent of the Senate, and notwithstanding rule 43(8), I ask that rule 43(8) be applied tomorrow, Wednesday, September 8, 1999. Consequently, I will not take up this matter at the end of our proceedings but, rather, I will deal with it tomorrow. If there is unanimous consent, I will proceed with this matter tomorrow.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: At the appropriate time tomorrow, we will proceed with the question of privilege.

NOVA SCOTIA

IN MEMORY OF PASSENGERS AND CREW OF SWISSAIR FLIGHT 111

Hon. J. Michael Forrestall: Honourable senators, I should like to take this opportunity — and, this is the first chance that we have had to do so — to remember the 229 souls lost on September 2, 1998, with the crash of Swissair Flight 111. It was a human tragedy of unimaginable magnitude for our quiet and somewhat peaceful province.

To the families, I once again extend my heartfelt sympathy. To the people of the south shore, the volunteers, the volunteer fire-fighters, ground search and rescue, Coast Guard, emergency health services, soldiers, sailors, aircrew, RCMP and the Halifax fire and police services, I extend not only my own personal gratitude but also the gratitude of all Nova Scotians.

Honourable senators, we have heard much about this tragedy and much about the local heroism that took shape and the courage to go on, day after day, in unimaginable circumstances. There is much to be proud of, whether you were an emergency health service technician who raced outside Halifax to a point of ready alert and waited long hours, hoping, in vain, to save just one life; or whether you were searching the shore for broken bodies, as army reserve soldiers from my province's most historic regiments did; or whether you were diving to the surreal wreckage to recover key evidence and precious human remains; or whether you were flying over the scene in Sea Kings and Labradors.

Honourable senators, day after day these extraordinary people performed their assigned tasks. To do so took a form of courage and a sense of caring that is so deep in one's inner soul, words fall short of adequately expressing it.

One story I wish to recount is that of a young army captain, Trevor Jain, a reservist who joined the infantry when he went to

university. He was a private pilot, a platoon commander and a staff officer at 36 Canadian Brigade Group, headquartered in Halifax. He was finishing his last year of medical school. At 3:00 a.m., he received the first call and made his way to Shearwater, where he served throughout the crisis as the operations officer for the morgue. Day after day, hour after hour, he had the responsibility of waiting, hoping, and administering.

This is the calibre of soldier and leader that we have today in the Canadian Armed Forces. Many of the medics who worked at his side in the Shearwater morgue were also, I am proud to say, reservists. Indeed, 36 Canadian Brigade Group went immediately into action without awaiting orders — all due to the initiative of the Brigade Operations Officer, Captain Richard Dykens of the Royal Canadian Regiment. Within hours, elements of the brigade were on their way to the crash area on the initiative of one unrecognized captain who seized the initiative, as he was trained to do. That is leadership. These are a few of the individuals who did their job to a standard few can compare.

Honourable senators, I hope one day that all the stories will be told because, in this tragedy, there were great acts of human compassion that should be passed on to future generations. The lessons learned from the Swissair crash will pay dividends in the form of many lives being saved down the road. For example, for safety reasons, the use of Mylar insulation is being phased out. The investigation of this crash is another story that must and will be told. That knowledge will save lives at another time and in another place.

I would ask you all, honourable senators, to silently remember those who lost family members and friends in this terrible tragedy.

LABOUR DAY

TRIBUTE TO ALLAN MCLEAN

Hon. David Tkachuk: Honourable senators, this being the day after Labour Day, it is fitting that the story of a worker in Canada came to me. Young people today are being told that they must change careers many times in their lives.

Yesterday, we celebrated the labour of Canadians, their hard work and their dedication. Today, I thought that I would tell you a story about a Canadian worker whose name is Robert Allan McLean, although he goes by "Al." His colleagues and friends held a retirement party for him on August 31. That signified the end of an era. This unassuming, down-to-earth gentleman was neither a parliamentarian nor a judge. Nor did he win a Nobel prize. We often hear statements given about these people in this place, but today I am calling Al a special Canadian because he embodies the kind of qualities we should all be proud of and encourage in our children.

Not all of us are destined to make great achievements in science or have the opportunity to show our bravery in the face of danger. Sometimes our path may not stand out among other paths along the road of life.

Al is not really shy. He has coffee at the same place every day and chats up all the regulars. Al and his wife Shirley have two children, Tracey and Kirk.

Some of you hockey fans may know of the name Kirk McLean because he played for the Vancouver Canucks and Florida Panthers before he was traded to the New York Rangers. If you meet Al, he might not mention that he has a famous son because that is the kind of person he is.

Al is retiring from his job at the Toronto-Dominion Bank. He is the bank's longest-serving employee. In fact, he began working in 1951 in the mailroom of what was called then the Bank of Toronto. Shirley worked for the Dominion Bank. In 1955, when the two banks merged to become the Toronto-Dominion Bank, another merger of sorts took place. Al and Shirley met and they married shortly thereafter.

Everyone who has come in contact with Al loves him. He has been a hard-working, dedicated employee and friend to many. He is a happy person who, when asked what he plans to do during his retirement, muses on possibly taking a cooking course or two since his wife will not be retiring for a year and is looking forward to a hot meal being on the table when she gets home from work.

Of course Al is a hockey fan and catches his son's games whenever he can. What caught my attention first about Al was his employment record — 48 years with the Toronto-Dominion Bank, formerly the Bank of Toronto. In all that time, he took only 11 sick days.

When Al was interviewed by the in-house newspaper *Bank Notes*, he admitted that he would miss being around people every day and that he is not used to all the attention he has been getting lately.

The Hon. the Speaker: I regret that the honourable senator's time has expired.

Senator Tkachuk: Your Honour, I request leave to continue.

The Hon. the Speaker: Is leave granted for Senator Tkachuk to continue?

Hon. Senators: Agreed.

Senator Tkachuk: Al McLean has said that he cannot sleep lately because he is wondering what the guys at work will cook up for his last day.

Al worked as a machine operator in the Toronto-Dominion Bank print shop in Toronto. He was the last remaining Bank of Toronto employee on staff.

On behalf of my colleagues and myself, I wish Al and his family all the best in his retirement. On this, the day after Labour Day, I also wish all the best to his former co-workers in their working life and in their retirement. May life be long and enjoyable. May Al continue along the special path by which he has inspired so many. May we continue to be inspired. Congratulations, Al.

MANITOBA

THIRTEENTH PAN-AMERICAN GAMES— TRIBUTE TO VOLUNTEERS AND CITIZENS

Hon. Terry Stratton: Honourable senators, I rise today to pay tribute to the people of Winnipeg, the people of Manitoba and to the 20,000 volunteers who made the Thirteenth Pan-American Games such a resounding success.

These games were the third-largest sporting event ever held and equivalent to putting on a Grey Cup game each day for 17 days. Manitobans can be particularly proud of this achievement. We succeeded in typical Manitoba fashion, coming to the games at the eleventh hour and making the opening ceremonies a virtual sell-out and buying tickets to events which insured their success. Most important, they embraced the games in typical warm and friendly Manitoba fashion. To them we owe a great gratitude.

We thank Sandy Reilly, the chair of the games for without his leadership these games would not have happened. We thank Don McKenzie, president of the society, for his persistence and tenacity over the years it took to bring the games to fruition. We thank Greg Hansen and Bobby McMahon who kept a tight rein on finances to ensure we remained within budget. We especially thank the athletes who made the games possible.

To those many other volunteers who remain nameless, they know how much hard work and sacrifice it took to succeed. They willingly paid the price of mental and physical exhaustion, ignoring time with family and friends in order to achieve success.

The three levels of government proved once again that events such as this are important to our country. The private sector showed superb participation.

To quote Sandy Reilly, the world saw Winnipeg with its lights and it was marvellous.

Our children and grandchildren have seen this event and can bask in its afterglow, knowing that the future of this province and this city is assured.

I am proud indeed to say I hail from such a great province and such a great city.

[Translation]

THE FRANCOPHONIE SUMMIT

CONGRATULATIONS TO ORGANIZERS OF MEETING IN MONCTON, NEW BRUNSWICK

Hon. Marie-P. Poulin: Honourable senators, many of you have just returned, as I have, from the Francophonie Summit in Moncton. All our colleagues here in this chamber and in the other place who have had the honour and the pleasure of sharing in this great success would like to express their sincere congratulations to the Prime Minister of this country, the Right Honourable Jean Chrétien, who chaired this summit on the theme of youth.

All Acadians in the Land of Evangeline gave a very warm welcome to the 52 representatives of all the countries and states making up the large family of the Francophonie. We also had the opportunity to witness the consensus the youth from all these countries were able to reach in urging all governments and states of the Francophonie to make education a priority.

Congratulations to all those who organized this great meeting of the members of the francophone family all around the world.

[English]

ROUTINE PROCEEDINGS

CANADIAN ENVIRONMENTAL PROTECTION BILL, 1999

REPORT OF COMMITTEE— REQUEST FOR FURTHER INSTRUCTION

Hon. Ron Ghitler: Honourable senators, due to some unforeseen circumstances, I request leave to speak to the matter of the presentation to the chamber of the committee report on Bill C-32.

The Hon. the Speaker: Is leave granted?

Some Hon. Senators: Agreed.

Senator Ghitler: Honourable senators, regarding the reporting of this bill certain unprecedented activities have occurred.

During the deliberations of the Standing Senate Committee on Energy, the Environment and Natural Resources over the past two weeks here in Ottawa, a motion was presented to the committee, which I will read into the record in order that honourable senators may understand the dilemma I face as chairman of that committee.

This motion was subsequently passed by a majority of the committee:

That with respect to Bill C-32, respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development, the Committee shall follow the agreed-upon schedule of witnesses and complete its examination of those witnesses no later than Wednesday, September 1, 1999;

That if any further witnesses are found to be necessary by the Committee following the completion of the said schedule of witnesses, they shall be heard no later than Thursday, September 2, 1999;

That any vote on any motion dealing with the disposition of the said Bill be held no earlier than at the completion of the hearing of all witnesses; and

That the Chair put all questions necessary to dispose of the Bill and report the Bill to the Senate no later than 12 o'clock noon on Tuesday, September 7, 1999.

As chairman of this committee, I am under a duty to respectfully deal with motions as they come before the committee. The motion clearly says to me that I must "report the bill to the Senate no later than twelve o'clock noon on Tuesday, September 7, 1999."

• (1740)

Honourable senators, I came here at twelve o'clock today. In the presence of the Honourable Senator Atkins, I rose in this chair in an attempt to present this bill as required by my committee. Obviously, no one was here to receive it. As a result, I am in a dilemma as to what to do with a very important bill on which closure was imposed in an unprecedented way upon a committee. The dilemma is that I was obliged to report by twelve o'clock, as presented in a motion by Senator Kenny and approved by the committee.

I would suggest that the only proper way to deal with the matter is to call a special meeting of the committee to reconsider this motion, in order to bring it into line and so that I might duly and properly present the matter. At this time I do not feel that I can do so, inasmuch as I am constrained by the resolution of my committee.

The Hon. the Speaker: Honourable senators, I am placed in a difficult position as points of order are not to be dealt with until after the Orders of the Day. Leave was granted to hear the Honourable Senator Ghitler. Is leave granted to hear other honourable senators?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): No.

The Hon. the Speaker: Honourable senators, I am unable to hear any other speakers in that regard. However, Senator Ghitler has asked me if I would give this matter some consideration. I am prepared to do so.

If there is agreement, I would propose that some other honourable senator take the chair while I undertake to investigate this matter and research the precedents. Is that agreeable, honourable senators?

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, we would like some indication that we will not then get a "no" from the other side. We have graciously given our consent to Senator Ghitler to speak. We would like the opportunity to revert, if necessary, to presentation of reports from standing committees. Clearly, if we move from this item, we would need leave to revert. We must determine whether there is a fair and equitable intention on the other side, as we attempted to provide for Senator Ghitler.

Senator Kinsella : Honourable senators, no point of order was raised, no ruling was requested of the chair. In my opinion, there is nothing upon which the Speaker can rule.

Senator Ghitter rose, as was proper for him to do, as chairman of the committee to report that he had no report to make. We can all count; we know what a majority is, but the tyranny of the majority is only avoided when that majority's power is used perceptively, which was not done in this instance.

Senator Ghitter has placed before honourable senators the solution: namely, that his committee should meet. We would agree to grant permission for the committee to meet this evening and deal with the report, in order to come back here and present it properly. We know who has the majority; however, we must do things according to the rules.

The Hon. the Speaker: Honourable senators, we gave leave to honourable Senator Ghitter. Senator Kinsella spoke without leave. In fairness, I must hear others and the Senate may then decide what they wish to do with the proposal made by Senator Ghitter, or perhaps refer it back to me. However, at this time I am forced to hear from other speakers.

Hon. Colin Kenny: Honourable senators, Senator Ghitter made particular reference to a motion that I moved in committee. The relevant paragraph was that the chairman put all of the necessary questions to dispose of the bill and report the bill to the Senate no later than twelve o'clock noon on Tuesday, September 7, 1999. This particular paragraph referred to the motions that would be involved if the committee were to adopt or amend the bill, or make a motion to report the bill to the Senate.

To clarify my intention, as this issue was discussed at great length in committee, I refer honourable members to take number 1330-52, where Senator Buchanan says:

Then why do we have this motion?

—referring to the motion that I had just moved, and where I replied:

The purpose of this motion is that I would personally like to see the business of this committee cleaned up by twelve noon on Tuesday, September 7. I believe a majority of the committee feels that way.

Then Senator Spivak says:

I am sure you are right.

Honourable senators, I should like to point out that had the notice read "forthwith," no one would have expected Senator Ghitter to jump up from the room and rush off to report the bill.

We were working out a timetable for the committee's work. We were coming to an agreement as to how the business of the committee would be handled. We did it in such a way that no one in the room was unclear about where we were going or what was intended.

Hon. Nicholas W. Taylor: Honourable senators, if there is a dilemma under which Senator Ghitter is labouring, it is entirely of his own making.

Senator Kenny made the motion, and it was very clear that by twelve o'clock noon on September 7, we were supposed to be ready to dispose of and report the bill, or not report the bill. However, it was impossible to report the bill at twelve o'clock. We knew that, and Senator Ghitter knew that at the time. He is splitting hairs. There is no comment in that sentence that says "all questions necessary to dispose of the bill and report the bill to be finished by twelve o'clock." Senator Ghitter is grasping at straws.

Further, honourable senators, there is a second item, and I have been through this as chairman of the Boreal Forest subcommittee. One cannot report a bill to the Senate outside of the time the Senate is sitting unless one receives the permission of the Senate. That permission was not granted in June.

It would have been impossible to report, even if the chairman had chosen to do so, or anyone from the committee. The Clerk would have rightfully said that there was not permission to report until the house sits. That is the way the matter stands.

For those two reasons, His Honour may feel sorry for Senator Ghitter; however, he certainly cannot rule in his favour.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, we seem to have a difference of opinion, to put it mildly, as to what the members of the Standing Senate Committee on Energy, the Environment and Natural Resources agreed to when they passed the motion on Tuesday, August 24 concerning future business. Senator Ghitter believes that the motion required him to report to the Senate no later than twelve o'clock noon today. Notwithstanding that, as Senator Taylor has alluded, the committee has no power to order a report to be tabled when the Senate is not sitting.

Rule 98, on page 104 states:

The committee to which a bill has been referred shall report the bill to the Senate.

It does not state that the committee can report the bill to the Clerk of the Senate or to the Speaker. It states that the bill is to be reported to the Senate. It uses the word "shall," indicating that this is how it must be done, and the committee has no discretion.

• (1750)

If Senator Ghitter is correct about his interpretation of the motion, that would mean that the committee adopted a proposition that was contrary to the *Rules of the Senate* while he was in the chair; that he and the other committee members and the clerk of the committee understood this motion to mean that he had to report by twelve noon today, even though the Senate would not be sitting until 4 p.m. today; and that no one, including himself, knew that this would be contrary to the rules.

Senator Ghitter is asking us to accept an interpretation that would put the committee in conflict with the *Rules of the Senate*, but his interpretation is not shared by a majority of the committee members, including the sponsor of the motion Senator Kenny. Their interpretation would not put us in conflict with the rules and established practice in this chamber. Senator Kenny believes, as he indicated, that the intent and the effect of the motion was to ensure that all votes necessary to dispose of the bill would take place no later than twelve noon today, Tuesday, so that it could then be reported back to the Senate later that day, which is later this day.

During the debate on the motion in committee, Senator Kenny said:

...I would personally like to see the business of this committee cleaned up by 12 noon on Tuesday, September 7. I believe a majority of the committee feels that way.

He indicated that other senators agreed with that proposition.

Senator Ghitter was in the chair when Senator Kenny made this statement, but he said nothing, according to the transcript, even though it is clear that it would be impossible for the committee to table a report at noon. The committee would only be concluding its business at noon. The report would need to be prepared and translated, as is the normal procedure, and that cannot be done instantaneously. It would be a physical impossibility to conclude the work of the committee at noon and have the chairman suddenly materialize at that very moment in the Clerk's office, report in hand.

Clearly the intent was not to have the report tabled at noon, but rather to have the committee's work completed at noon so that a report could be tabled in the Senate later this day. This interpretation is supported by the final motion the committee adopted on Wednesday September 1, 1999. At that time, the Deputy Chair, Senator Taylor, was in the chair, and he said:

I do need a motion that we report this bill with observations at the next sitting of the Senate, in accordance with the August 24th resolution.

Is the motion carried?

The motion carried on division.

Honourable senators, let us be clear that the motion which was adopted by the committee did not say that the bill would be reported before the next sitting of the Senate or after the sitting of the Senate had concluded. It provided that it be reported at the next sitting of the Senate, which began at four o'clock this afternoon. We are now in the middle of that "next sitting," and the chair has an obligation, I submit, to present the report as ordered by the committee during the meeting of September 1, 1999.

The motion that was adopted also referred to the August 24 resolution, but the will of the committee was clearly expressed on September 1. If there is any ambiguity with respect to the August 24 resolution, it should be clarified by taking notice of

what the committee agreed to do on September 1, namely, to report the bill at the next sitting of the Senate. If there is conflict between the resolution of August 24 and the motion of September 1, it is one of perception only. There is no conflict if the words of the senator who sponsored the motion of August 24, Senator Kenny, are examined and given meaning and if the *Rules of the Senate* are respected.

The fact of the matter is that the committee has ordered the chair to report the bill back to the chamber without amendment but with observations, and I submit that the clear wishes of the committee members should be respected.

The Hon. the Speaker: Does any other honourable senator wish to speak on the matter raised by the Honourable Senator Ghitter?

Senator Ghitter: Honourable senators, the chickens have come home to roost here. Someone somewhere is causing a little justice to be invoked in what were otherwise unprecedented and, I feel, inappropriate actions in a committee. Passing a resolution forcing closure on a committee so that it is unable to do its work properly in any kind of legislation, let alone a bill of this significance, not only demeans the actions of your committees but also prohibits them from doing their work, and we all know that the Senate does some of its finest work in committees.

My colleagues and I, during the course of the debate relative to this motion, were totally opposed to it for that reason, that is, that it would set a precedent. Remember that this was not a motion at the end of our public hearings but a motion at the start when we were still dealing with departmental officials. It was before anyone in the public had an opportunity to attend. Members of the public, at great inconvenience to themselves and at great cost to the taxpayers, came to Ottawa to speak to our committee. We had to tell them that what they said really did not matter because there was a closure motion. We could not deal with the bill appropriately as it was obvious that amendments would not be allowed.

We were then presented with this motion. Surely a chairman of any committee is obliged to deal with the wording of a motion. Had Senator Kenny meant otherwise, I will give you the wording that should have been used. It is really quite simple. The English language is not that difficult. The motion should have read that the chair put all questions to dispose of the bill no later than twelve o'clock noon Tuesday September 7, 1999 and report the bill at the next sitting of the Senate. It is a very simple wording that I or any other chairman would have understood, rather than a motion to report to the Senate no later than twelve o'clock noon on Tuesday, September 7. Clearly the wording speaks for itself. There is no magic in it.

• (1800)

I submit that the matter is easily resolved. We will call a meeting of the committee later this evening and deal with the resolution appropriately so that we can do business as usual, rather than merely subverting ourselves to the will of the majority.

The Hon. the Speaker: Honourable senators, it is now six o'clock. Is it your wish that I not see the clock?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Honourable senators, I have not yet been asked to rule. The matter is not in my hands; it is before the Senate. A proposal has been made by a senator, and I must await the decision of the Senate.

Senator Carstairs: Your Honour, there is agreement on all sides not to see the clock.

Hon. Senators: Agreed.

The Hon. the Speaker: The matter is not yet in my hands, but a proposal has been made by the chairman of the committee that the committee meet later this evening.

Is there a disposition to accept that proposal?

Senator Kenny: Honourable senators, I believe that a reasonable case has been made that the chair of the committee make his report now. The report is available and he has copies of it.

I move that His Honour order the chairman of the committee to make such a report.

The Hon. the Speaker: I cannot accept that motion. It would require notice.

[Earlier]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of a delegation from the Parliamentary Assembly of the Council of Europe Committee on the Environment, Regional Planning and Local Authorities.

[Translation]

The delegation, headed by Mr. Akçali, is engaged in a forestry fact-finding tour across Canada. They will be visiting Quebec, Ontario and British Columbia. On behalf of all my colleagues, I welcome you to the Senate of Canada.

[English]

PUBLIC SECTOR PENSION INVESTMENT BOARD BILL

REPORT OF COMMITTEE

Hon. Michael Kirby, Chairman of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, September 7, 1999

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

TWENTY-EIGHTH REPORT

Your Committee, to which was referred Bill C-78, to establish the Public Sector Pension Investment Board, to amend the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the Royal Canadian Mounted Police Superannuation Act, the Defence Services Pension Continuation Act, the Royal Canadian Mounted Police Pension Continuation Act, the Members of Parliament Retiring Allowances Act and the Canada Post Corporation Act and to make a consequential amendment to another Act, has examined the said Bill in obedience to its Order of Reference dated Thursday, June 17, 1999, and now reports the same without amendment, but with observations which are appended to this report.

Respectfully submitted,

MICHAEL KIRBY
Chairman

(For text of appendix see Appendix to today's Journals of the Senate.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Senator Kirby: With leave, honourable senators, later this day.

The Hon. the Speaker: Is leave is granted, honourable senators?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: There is no leave.

On motion of Senator Kirby, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

PRESENT STATE AND FUTURE OF FORESTRY

REPORT OF AGRICULTURE AND FORESTRY COMMITTEE ON STUDY TABLED

Hon. Nicholas W. Taylor: Honourable senators, I wish to inform the Senate that pursuant to the order of reference adopted by the Senate on November 18, 1997, and as amended on November 24, 1998, the tenth report of the Standing Senate Committee on Agriculture and Forestry, entitled "Competing Realities: The Boreal Forest At Risk" was deposited with the Clerk of the Senate on June 28, 1999.

On motion of Senator Taylor, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

PRESENT STATE AND FUTURE OF AGRICULTURE

REPORT OF AGRICULTURE AND FORESTRY COMMITTEE
ON STUDY TABLED

Hon. Nicholas W. Taylor: Honourable senators, I wish to inform the Senate that, pursuant to the order of reference adopted by the Senate on November 18, 1997 and as amended on November 24, 1998, the eleventh report of the Standing Senate Committee on Agriculture and Forestry entitled "The Way Ahead: Canadian Agriculture Priorities in the Millennium Round" was deposited with the Clerk of the Senate on August 4, 1999.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. John B. Stewart: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Foreign Affairs have power to sit at 3:15 p.m. tomorrow, Wednesday, September 8, 1999, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

NUCLEAR ARMS

NOTICE OF MOTION TO URGE NUCLEAR WEAPONS STATES
TO TAKE WEAPONS OFF ALERT STATUS

Hon. Douglas Roche: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Senate recommends that the Government of Canada urge the nuclear weapons states, plus India, Pakistan and Israel, to take all of their nuclear forces off alert status as soon as possible.

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. Charlie Watt: Honourable senators, with leave of the Senate and notwithstanding the rule 58(1)(a), I move:

That the Standing Committee on Aboriginal People have the power to sit at 5:30 p.m. tomorrow, Wednesday, September 8, 1999, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. Lowell Murray: Honourable senators, encouraged by the response to several similar motions today, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Social Affairs, Science and Technology have the power to sit at 3:30 p.m. tomorrow, Wednesday, September 8, 1999, even though the Senate may then be sitting, and that rule 95(4) be suspended thereto.

• (1810)

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

POST-SECONDARY EDUCATION

FINANCIAL BURDEN TO STUDENTS—NOTICE OF INQUIRY

Hon. Norman K. Atkins: Honourable senators, I give notice that on Tuesday, September 21, 1999, I shall call the attention of the Senate to the financing of post-secondary education in Canada and particularly that portion of the financing that is borne by students, with a view to developing policies that will address and alleviate the debt load which post-secondary students are being burdened with in Canada.

IMMIGRATION

PLIGHT OF CHINESE IMMIGRANTS ON WEST COAST

Hon. Vivienne Poy: Honourable senators, I give notice that, on September 9, 1999, I will call the attention of the Senate to the plight of Chinese migrants on the B.C. coast.

CANADIAN ENVIRONMENTAL PROTECTION BILL, 1999

PRESENTATION OF PETITION

Hon. Mira Spivak: Honourable senators, I have the honour to the present to the Senate a petition signed by 5,173 Canadian residents from every province in our country. They urge senators to amend Bill C-32; and, at a minimum, to restore measures that were removed at report stage in the other place, to protect their health and the health of their families.

QUESTION PERIOD

TRANSPORTATION

DISCUSSIONS BETWEEN AIR CANADA AND CANADIAN AIRLINES—TABLING BEFORE PARLIAMENT OF INSTRUCTION FROM MINISTER —GOVERNMENT POSITION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, my question is addressed to the Leader of the Government in the Senate. During the summer recess, Canadians were informed by the government that, under the provisions of the Canada Transportation Act, a special order would be adopted. Pursuant to that order, the national airlines had 90 days within which to carry on discussions.

I have read the act, honourable senators. Section 47 not only gives the authority to the Governor in Council to make such an order but also section 47(4) provides that the minister shall cause any order made under this section to be laid before both Houses of Parliament.

Can the Leader of the Government in the Senate advise us whether it is his intention to table this order in the Senate this week, or on Monday or Tuesday of next week, since the act provides that it must be tabled within seven sitting days?

Hon. B. Alasdair Graham (Leader of the Government):

Honourable senators, I shall certainly undertake to do so. I thank Senator Kinsella for bringing the matter to my attention.

AIR CANADA—PRIVATE SECTOR PROPOSAL—
REQUEST FOR DETAILS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, can the minister outline for the Senate the government's policy with reference to this private sector proposal respecting Air Canada?

Hon. B. Alasdair Graham (Leader of the Government):

Honourable senators, the Government of Canada has created a special and time-limited process to allow private sector parties to develop proposals to restructure and strengthen the industry, and to preserve the ability of the industry to serve the travelling public in the long term.

The government does not have to, nor does it intend to, comment on the specifics of any private sector proposal until there is an agreement between all the parties involved.

Senator Kinsella: Honourable senators, as Canadians know, within a matter of days of this order being emitted by the government, Onex presented a fairly complex and detailed proposal. Therefore, many Canadians are wondering whether the Onex bid was made after prior consultations with the government. To put it the other way: What knowledge did the government have about the Onex bid before the section 47 order was issued?

Senator Graham: Honourable senators, I am not aware of any prior consultation that took place. However, I shall be happy to bring this matter to the attention of my colleagues and make the appropriate inquiries.

Senator Kinsella: Honourable senators, in making that inquiry, could the minister also ascertain whether or not the government knew that Air Canada had not been consulted? To what extent was this section 47 order somewhat of a blindside for Air Canada?

Senator Graham: Honourable senators, I am not aware of that, as I have not been party to the negotiations or to any discussions that may have taken place. I shall seek as much information as possible for my honourable friend.

[Translation]

THE FRANCOPHONIE SUMMIT

MEETING HELD IN MONCTON, NEW BRUNSWICK EXCLUSION OF ACADIAN PARLIAMENTARIANS FROM NOVA SCOTIA

Hon. Gerald J. Comeau: Honourable senators, I would first like to congratulate the Leader of the Government in the Senate on the fine words he had for the Acadians, especially in the swearing in of Senator Perry. I also congratulate Senator Poulin, who spoke of the Acadian family on the occasion of the Francophonie Summit.

My question in fact concerns the summit. Could the Leader of the Government explain why Acadian parliamentarians from Nova Scotia were excluded from the Canadian parliamentary delegation to this summit? Nova Scotia is the only province of Canada where francophone parliamentarians were excluded.

[English]

Hon. B. Alasdair Graham (Leader of the Government):

Honourable senators, I am not aware of who was responsible for compiling the invitation list. If, indeed, that is the case, it would be a regrettable omission, and I apologize to the Honourable Senator Comeau. I was not aware that he had not been invited. I was aware that Senator Losier-Cool was in attendance and that she was a valued member of the delegation.

I shall make further enquiries. I do not believe that anyone would be excluded deliberately. I think that it was probably an error of omission.

On behalf of the government, I hasten to apologize. I regret any feelings that may have been prompted by such a lack of due diligence. I shall make the appropriate enquiries.

[Translation]

Senator Comeau: Honourable senators, I would point out to the Leader of the Government in the Senate that eight parliamentarians from Quebec, six from Ontario, nine from New Brunswick and one from Manitoba were present at the summit. I was aware of this delegation. I myself telephoned the office of Minister Boudria, the Leader of the Government in the House of Commons, and the Prime Minister's Office. I was told that there would be no Nova Scotian francophones, Acadians from Grand-Pré, Port-Royal and the deportation region, an area the Leader of the Government is very familiar with, and

where, in every century, Acadians have been dealt tragic blows. The star on the Acadian tricolour has not shined so brightly, since Mr. Chrétien's decision. The PMO was aware. I pointed out that, if I was not an acceptable delegate, a second Acadian from Nova Scotia, Mark Muike, a member of the House of Commons, might be. The word from the Prime Minister was not to meddle in this. The delegation had been chosen. There would be no representatives from Nova Scotia. Were you not aware of this decision, and if not, why?

[English]

• (1820)

Senator Graham: No, I certainly was not aware of the decision. I only wish that when the Honourable Senator Comeau was telephoning Minister Duhamel's office and other ministerial offices, he had contacted me. I would have made every effort, as he would know, to ensure that any Nova Scotia senators, or any other senators who desired to attend would indeed be included on the invitation list. Again, I apologize for any omission that may have taken place in this respect.

[Translation]

Senator Comeau: Honourable senators, there were dancers and singers from Nova Scotia as part of the cultural events surrounding the summit. Nova Scotia's parliamentarians also want to take part in the talks. I would ask you to remember that in future.

[English]

UNITED NATIONS

CONFLICT IN EAST TIMOR—POSSIBILITY OF SENDING PEACEKEEPING TROOPS—GOVERNMENT POSITION

Hon. Douglas Roche: Honourable senators, this question is addressed to the Leader of the Government in the Senate and concerns the tragic situation in East Timor. Bearing in mind Canada's special responsibility as a member of the UN Security Council, and conscious of the bloodbath taking place and the atrocities that rogue militia forces are now committing against the people of East Timor who have just voted for independence, what is the position of the Government of Canada with respect to the formation of what has been called a "coalition of the willing" for ground troops to enforce peace in East Timor?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, at the UN Security Council, Canada has consistently argued for the need to impress upon the Indonesian government its responsibility for maintaining peace in East Timor. This responsibility, which forms part of the May 5 agreement, includes the protection of all UN personnel as well as the people of East Timor. Canada has requested that the Security Council and the Secretary-General look at contingency plans for UN action.

Senator Roche: Then, honourable senators, I must ask: What criteria is the government using to determine how Canada will speak and take action at the Security Council, bearing in mind that Canada went so far as to participate in the bombing of Kosovo in order to stop the brutalization of human beings in that area? Now there is another example of a culture of violence. What is the determining factor with respect to when Canada will act in such cases?

Senator Graham: Honourable senators, I wish to assure the honourable senator that Canada is acting. As I indicated, we are making special representations at the United Nations. Incidentally, I should say we are absolutely appalled by the continuing violence in East Timor. We have conveyed this message clearly to the Indonesians, and continue to press the subject with them at all levels.

Foreign Minister Lloyd Axworthy has spoken, both yesterday and today, with Australian Foreign Minister Downer and with British Foreign Secretary Cook concerning the situation in East Timor and the need for further action. I understand that Canada is exploring the possibility that like-minded countries can meet this week on what might be called the margins of the APEC meeting in New Zealand to discuss the situation in East Timor and possible international action and assistance. All of this is with the understanding, of course, that any assistance would need the agreement of the Indonesian government.

CONFLICT IN EAST TIMOR—POSSIBILITY OF SENDING PEACEKEEPING TROOPS—AVAILABILITY OF RESOURCES— GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, I think Canada has already gone somewhat further than the Leader of the Government is indicating. There have been communications from the United Nations today indicating that Canada has committed itself, together with Australia, New Zealand, Britain, and a handful of other, I suppose, like-minded nations.

I have the following questions: How many troops has Canada committed, or has that decision been taken yet? If it has, where will these troops come from? Out of what reserve will we find our share of the 5,000 to 7,000 troops for that war-torn area?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am not aware that any decision has been made with respect to a specific number of troops. Should the current arrangement collapse, it is only prudent for the Security Council and the United Nations to begin contingency planning for a potential peacekeeping operation, and that is what is currently taking place. Certainly, as Senator Forrestall indicated, the United Nations, at the urging of Canada and other nations, would consider the establishment of such a task force. Canada would consider participation in a UN peacekeeping mission in East Timor, based on a range of considerations including the consent of the parties, security, and the current resources available to the government. As honourable senators might understand, an assessment is being made as to what resources might be available, in terms of equipment and personnel. I will be happy to bring in a report as soon as one is available.

FOREIGN AFFAIRS

RESOLUTION OF CONFLICT IN EAST TIMOR—POSSIBLE INVOLVEMENT OF GOVERNMENT IN TALKS WITH INDONESIA

Hon. J. Michael Forrestall: Honourable senators, I should like this to be clear: What is Canada doing with respect to the Indonesian government? Are we having direct talks with them, or are we relying on the United Nations to carry forward this discussion?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I can inform the honourable senator that strong representations are being made by Foreign Minister Axworthy and others at the highest level.

ANTICIPATION OF CONFLICT IN EAST TIMOR FOLLOWING REFERENDUM—GOVERNMENT POSITION

Hon. A. Raynell Andreychuk: Honourable senators, following upon Senator Roche's comments tying in both East Timor and Kosovo, I have a question. Certainly, the issues in Kosovo were known before we took NATO action. What has come about there, of course, is that the Serbs in Kosovo are being subjected to atrocities by the KLA. I believe we did not do enough thinking about the consequences before we took that action.

With respect to East Timor, is the Leader of the Government saying that neither the Canadian government nor the Canadian representatives at the United Nations anticipated the kind of violence that is occurring now? Anyone who has followed the East Timor situation would know with certainty that, following a vote for independence, there would be violence. Is the minister saying that there were no contingency plans made and no preparatory action taken, either by the Canadian government, in its consultations with Indonesia, or by our Canadian representatives at the UN through the Security Council?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, as I indicated earlier, Canada has been monitoring the situation and has made very strong representations to the United Nations. My understanding is that a UN delegation is to arrive in Jakarta tomorrow for meetings with the Indonesian president. We will continue to monitor the situation and, as it evolves, I will be happy to bring a report to my colleagues in the Senate.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, can the Leader of the Government say how many Canadians currently reside in East Timor?

[English]

Hon. B. Alasdair Graham (Leader of the Government): I made that inquiry today, honourable senators, and I have not yet

received the answer. I shall attempt to do so, and perhaps I can bring forward the information tomorrow.

Senator Nolin: When the minister was interviewed by Canadian Press yesterday, he said it would be an error for Canada to impose sanctions on Indonesia. Can the Leader of the Government give a more detailed explanation as to why it would have been an error to impose sanctions?

• (1830)

Senator Graham: Honourable senators, not having made the statement myself, I shall attempt to have it clarified.

CANADIAN HERITAGE

STATUS OF PLAN FOR PROPOSED NEW WAR MUSEUM—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, could the minister tell us when the government will make an official announcement with regard to its intention to construct a new Royal Canadian War Museum? We are now being told that there is a growing concern among the people involved that the government intends to let the Royal Canadian War Museum issue die.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I would be very surprised if that were the case but, again, I will undertake to bring forward an answer at the earliest possible occasion.

BUSINESS OF THE SENATE

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I believe that all honourable senators would agree that we should rise now, with the clear understanding that everything will remain on the Order Paper in the order in which it appears today.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Marcel Prud'homme: Honourable senators, the honourable senator was kind enough to consult with the independent senators. I cannot speak for Senator Roche, but I believe that we would both be in agreement with that proposal.

The Hon. the Speaker: Is it agreed, then, honourable senators, that all matters on the Order Paper will stand, and remain in the position in which they are now on the Order Paper?

Hon. Senators: Agreed.

The Senate adjourned until tomorrow at 2 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

THE HONOURABLE GILDAS L. MOLGAT

THE LEADER OF THE GOVERNMENT

THE HONOURABLE B. ALASDAIR GRAHAM, P.C.

THE LEADER OF THE OPPOSITION

THE HONOURABLE JOHN LYNCH-STAUTON

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

PAUL BÉLISLE

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

RICHARD GREENE

LAW CLERK AND PARLIAMENTARY COUNSEL

MARK AUDCENT

USHER OF THE BLACK ROD

MARY McLAREN

THE MINISTRY

According to Precedence

(September 7, 1999)

The Right Hon. Jean Chrétien	Prime Minister
The Hon. Herbert Eser Gray	Deputy Prime Minister
The Hon. Lloyd Axworthy	Minister of Foreign Affairs
The Hon. David M. Collenette	Minister of Transport
The Hon. David Anderson	Minister of the Environment
The Hon. Ralph E. Goodale	Minister of Natural Resources and Minister responsible for the Canadian Wheat Board
The Hon. Sheila Copps	Minister of Canadian Heritage
The Hon. John Manley	Minister of Industry
The Hon. Paul Martin	Minister of Finance
The Hon. Arthur C. Eggleton	Minister of National Defence
The Hon. Anne McLellan	Minister of Justice and Attorney General of Canada
The Hon. Allan Rock	Minister of Health
The Hon. Lawrence MacAulay	Solicitor General of Canada
The Hon. Alfonso Gagliano	Minister of Public Works and Government Services
The Hon. Lucienne Robillard	President of the Treasury Board and Minister responsible for Infrastructure
The Hon. Martin Cauchon	Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec)
The Hon. Jane Stewart	Minister of Human Resources Development
The Hon. Stéphane Dion	President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs
The Hon. Pierre Pettigrew	Minister of International Trade
The Hon. Don Boudria	Leader of the Government in the House of Commons
The Hon. B. Alasdair Graham	Leader of the Government in the Senate
The Hon. Lyle Vanclicf	Minister of Agriculture and Agri-Food
The Hon. Herb Dhaliwal	Minister of Fisheries and Oceans
The Hon. Claudette Bradshaw	Minister of Labour
The Hon. George Baker	Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency)
The Hon. Robert Daniel Nault	Minister of Indian Affairs and Northern Development
The Hon. Maria Minna	Minister for International Cooperation
The Hon. Elinor Caplan	Minister for Citizenship and Immigration
The Hon. Ethel Blondin-Andrew	Secretary of State (Children and Youth)
The Hon. Raymond Chan	Secretary of State (Asia-Pacific)
The Hon. Hedy Fry	Secretary of State (Multiculturalism) (Status of Women)
The Hon. David Kilgour	Secretary of State (Latin America and Africa)
The Hon. James Scott Peterson	Secretary of State (International Financial Institutions)
The Hon. Ronald J. Duhamel	Secretary of State (Western Economic Diversification) and Francophonie
The Hon. Andrew Mitchell	Secretary of State (Rural Development) (Federal Economic Development Initiative for Northern Ontario)
The Hon. Gilbert Normand	Secretary of State (Science, Research and Development)
The Hon. Denis Coderre	Secretary of State (Amateur Sport)

SENATORS OF CANADA ACCORDING TO SENIORITY

(September 7, 1999)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Gildas L. Molgat, Speaker	Ste-Rose	Winnipeg, Man.
Edward M. Lawson	Vancouver	Vancouver, B.C.
Bernard Alasdair Graham, P.C.	The Highlands	Sydney, N.S.
Raymond J. Perrault, P.C.	North Shore-Burnaby	North Vancouver, B.C.
Louis-J. Robichaud, P.C.	L'Acadie-Acadia	Saint-Antoine, N.B.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Philip Derek Lewis	St. John's	St. John's, Nfld.
Reginald James Balfour	Regina	Regina, Sask.
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ontario	Ottawa, Ont.
William McDonough Kelly	Port Severn	Mississauga, Ont.
Leo E. Kolber	Victoria	Westmount, Que.
John B. Stewart	Antigonish-Guysborough	Bayfield, N.S.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuaq, Que.
Daniel Phillip Hays	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Brenda Mary Robertson	Riverview	Shediac, N.B.
Jean-Maurice Simard	Edmundston	Edmundston, N.B.
Michel Cogger	Lauson	Knowlton, Que.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland	Port-au-Port, Nfld.
Eileen Rossiter	Prince Edward Island	Charlottetown, P.E.I.
Mira Spivak	Manitoba	Winnipeg, Man.
Roch Bolduc	Golfe	Sainte-Foy, Que.
Gérald-A. Beaudoin	Rigaud	Hull, Que.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Church Point, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	New Brunswick	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
Mabel Margaret DeWare	New Brunswick	Moncton, N.B.
John Lynch-Staunton	Grandville	Georgeville, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eytton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Normand Grimard	Quebec	Noranda, Que.
Thérèse Lavoie-Roux	Quebec	Montreal, Que.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis Johnson	Winnipeg-Interlake	Winnipeg, Man.
Eric Arthur Berntson	Saskatchewan	Saskatoon, Sask.
A. Raynell Andreychuk	Regina	Regina, Sask.

ACCORDING TO SENIORITY

Senator	Designation	Post Office Address
THE HONOURABLE		
Jean-Claude Rivest	Stadacona	Quebec, Que.
Ronald D. Ghitler	Alberta	Calgary, Alta.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Fernand Roberge	Saurel	Ville Saint-Laurent, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
Erminie Joy Cohen	New Brunswick	Saint John, N.B.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs	Manitoba	Victoria Beach, Man.
Landon Pearson	Ontario	Ottawa, Ont.
Jean-Robert Gauthier	Ottawa-Vanier	Ottawa, Ontario
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	New Brunswick	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	Newfoundland	North West River, Labrador, Nfld.
Lorna Milne	Ontario	Brampton, Ont.
Marie-P. Poulin	Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Ville Saint-Laurent, Que.
Nicholas William Taylor	Sturgeon	Bon Accord, Alta.
Léonce Mercier	Mille Isles	Saint-Élie d'Orford, Que.
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Thelma J. Chalifoux	Alberta	Morinville, Alta.
Joan Cook	Newfoundland	St. John's, Nfld.
Archibald (Archie) Hynd Johnstone	Prince Edward Island	Kensington, P.E.I.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
The Very Reverend Dr. Lois M. Wilson	Toronto	Toronto, Ont.
Francis William Mahovlich	Toronto	Toronto, Ont.
Calvin Woodrow Ruck	Dartmouth	Dartmouth, N.S.
Richard H. Kroft	Winnipeg	Winnipeg, Man.
Douglas James Roche	Edmonton	Edmonton, Alta.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Sheila Finestone, P.C.	Montarville	Montreal, Que.
Ione Christensen	Yukon	Whitehorse, Yukon Territory
George Furey	Newfoundland	St. John's, Nfld.
Melvin Perry	Prince Edward Island	St. Louis, P.E.I.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Isobel Finnerty	Ontario	Burlington, Ont.

SENATORS OF CANADA

ALPHABETICAL LIST

(September 7, 1999)

Senator	Designation	Post Office Address
THE HONOURABLE		
Adams, Willie	Nunavut	Rankin Inlet, Nunavut
Andreychuk, A. Raynell	Regina	Regina, Sask.
Angus, W. David	Alma	Montreal, Que.
Atkins, Norman K.	Markham	Toronto, Ont.
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.
Bacon, Lise	De la Durantaye	Laval, Que.
Balfour, Reginald James	Regina	Regina, Sask.
Beaudoin, Gérard-A.	Rigaud	Hull, Que.
Berntson, Eric Arthur	Saskatchewan	Saskatoon, Sask.
Bolduc, Roch	Golfe	Sainte-Foy, Que.
Bryden, John G.	New Brunswick	Bayfield, N.B.
Buchanan, John, P.C.	Nova Scotia	Halifax, N.S.
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.
Carstairs, Sharon	Manitoba	Victoria Beach, Man.
Chalifoux, Thelma J.	Alberta	Morinville, Alta.
Christensen, Ione	Yukon Territory	Whitehorse, Yukon Territory
Cochrane, Ethel	Newfoundland	Port-au-Port, Nfld.
Cogger, Michel	Lauzon	Knowlton, Que.
Cohen, Erminie Joy	New Brunswick	Saint John, N.B.
Comeau, Gerald J.	Nova Scotia	Church Point, N.S.
Cook, Joan	Newfoundland	St. John's, Nfld.
Cools, Anne C.	Toronto Centre	Toronto, Ont.
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.
De Ware, Mabel Margaret	New Brunswick	Moncton, N.B.
Di Nino, Consiglio	Ontario	Downsview, Ont.
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld.
Eyton, J. Trevor	Ontario	Caledon, Ont.
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.
Finestone, Sheila, P.C.	Montarville	Montreal, Que.
Finnerty, Isobel	Ontario	Burlington, Ont.
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.
Forrestall, J. Michael	Dartmouth and Eastern Shore	Dartmouth, N.S.
Fraser, Joan Thorne	De Lorimier	Montreal, Que.
Furey, George	Newfoundland	St. John's, Nfld.
Gauthier, Jean-Robert	Ottawa-Vanier	Ottawa, Ont.
Ghitter, Ronald D.	Alberta	Calgary, Alta.
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.
Graham, Bernard Alasdair, P.C.	The Highlands	Sydney, N.S.
Grimard, Normand	Quebec	Noranda, Que.
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.
Hays, Daniel Phillip	Calgary	Calgary, Alta.
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.
Johnson, Janis	Winnipeg-Interlake	Winnipeg, Man.
Johnstone, Archibald (Archie) Hynd	Prince Edward Island	Kensington, P.E.I.
Joyal, Serge, P.C.	Kennebec	Montreal, Que.
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.
Kelly, William McDonough	Port Severn	Mississauga, Ont.
Kenny, Colin	Rideau	Ottawa, Ont.
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.

Senator	Designation	Post Office Address
THE HONOURABLE		
Kinsella, Noël A.	New Brunswick	Fredericton, N.B.
Kirby, Michael	South Shore	Halifax, N.S.
Kolber, Leo E.	Victoria	Westmount, Que.
Kroft, Richard H.	Winnipeg	Winnipeg, Man.
Lavoie-Roux, Thérèse	Quebec	Montreal, Que.
Lawson, Edward M.	Vancouver	Vancouver, B.C.
LeBreton, Marjory	Ontario	Manotick, Ont.
Lewis, Philip Derek	St. John's	St. John's, Nfld.
Losier-Cool, Rose-Marie	New Brunswick	Bathurst, N.B.
Lynch-Staunton, John	Grandville	Georgetown, Que.
Maheu, Shirley	Rougemont	Ville Saint-Laurent, Que.
Mahovich, Francis William	Toronto	Toronto, Ont.
Meighen, Michael Arthur	St. Marys	Toronto, Ont.
Mercier, Léonce	Mille Isles	Saint-Élie d'Orford, Que.
Milne, Lorna	Ontario	Brampton, Ont.
Molgat, Gildas L. Speaker	Ste-Rose	Winnipeg, Man.
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.
Nolin, Pierre Claude	De Salaberry	Quebec, Que.
Oliver, Donald H.	Nova Scotia	Halifax, N.S.
Pearson, Landon	Ontario	Ottawa, Ontario
Pépin, Lucie	Shawinigan	Montreal, Que.
Perrault, Raymond J., P.C.	North Shore-Burnaby	North Vancouver, B.C.
Perry, Melvin	Prince Edward Island	St. Louis, P.E.I.
Pitfield, Peter Michael, P.C.	Ontario	Ottawa, Ont.
Poulin, Marie-P.	Northern Ontario	Ottawa, Ont.
Poy, Vivienne	Toronto	Toronto, Ont.
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.
Rivest, Jean-Claude	Stadacona	Quebec, Que.
Roberge, Fernand	Saurel	Ville Saint-Laurent, Que.
Robertson, Brenda Mary	Riverview	Shediac, N.B.
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Robichaud, Louis-J., P.C.	L'Acadie-Acadia	Saint-Antoine, N.B.
Roche, Douglas James	Edmonton	Edmonton, Alta.
Rompkey, William H., P.C.	Newfoundland	North West River, Labrador
Rossiter, Eileen	Prince Edward Island	Charlottetown, P.E.I.
Ruck, Calvin Woodrow	Dartmouth	Dartmouth, N.S.
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Sibbeston, Nick	Northwest Territories	Fort Simpson, N.W.T.
Simard, Jean-Maurice	Edmundston	Edmundston, N.B.
Sparrow, Herbert O.	Saskatchewan	North Battleford, Sask.
Spivak, Mira	Manitoba	Winnipeg, Man.
Stewart, John B.	Antigonish-Guysborough	Bayfield, N.S.
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.
Stratton, Terrence R.	Red River	St. Norbert, Man.
Taylor, Nicholas William	Sturgeon	Bon Accord, Alta.
Tkachuk, David	Saskatchewan	Saskatoon, Sask.
Watt, Charlie	Inkerman	Kuujuuaq, Que.
Wilson, The Very Reverend Dr. Lois M.	Toronto	Toronto, Ont.

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(September 7, 1999)

ONTARIO—24

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Lowell Murray, P.C.	Pakenham	Ottawa
2	Peter Alan Stollery	Bloor and Yonge	Toronto
3	Peter Michael Pitfield, P.C.	Ontario	Ottawa
4	William McDonough Kelly	Port Severn	Missassauga
5	Jerahmiel S. Grafstein	Metro Toronto	Toronto
6	Anne C. Cools	Toronto Centre	Toronto
7	Colin Kenny	Rideau	Ottawa
8	Norman K. Atkins	Markham	Toronto
9	Consiglio Di Nino	Ontario	Downsview
10	James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
11	John Trevor Eyton	Ontario	Caledon
12	Wilbert Joseph Keon	Ottawa	Ottawa
13	Michael Arthur Meighen	St. Marys	Toronto
14	Marjory LeBreton	Ontario	Manotick
15	Landon Pearson	Ontario	Ottawa
16	Jean-Robert Gauthier	Ottawa-Vanier	Ottawa
17	Lorna Milne	Ontario	Brampton
18	Marie-P. Poulin	Northern Ontario	Ottawa
19	The Very Reverend Dr. Lois M. Wilson	Toronto	Toronto
20	Francis William Mahovlich	Toronto	Toronto
21	Vivienne Poy	Toronto	Toronto
22	Isobel Finnerty	Ontario	Burlington
23			
24			

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Leo E. Kolber	Victoria	Westmount
2 Charlie Watt	Inkerman	Kuujuuaq
3 Pierre De Bané, P.C.	De la Vallière	Montreal
4 Michel Cogger	Lauzon	Knowlton
5 Roch Bolduc	Goffé	Sainte-Foy
6 Gérald-A. Beaudoin	Rigaud	Hull
7 John Lynch-Staunton	Grandville	Georgeville
8 Jean-Claude Rivest	Stadacona	Quebec
9 Marcel Prud'homme, P.C.	La Salle	Montreal
10 Fernand Roberge	Saurel	Ville de Saint-Laurent
11 W. David Angus	Alma	Montreal
12 Pierre Claude Nolin	De Salaberry	Quebec
13 Lise Bacon	De la Durantaye	Laval
14 Céline Hervieux-Payette, P.C.	Bedford	Montreal
15 Shirley Maheu	Rougemont	Ville de Saint-Laurent
16 Léonce Mercier	Mille Isles	Saint-Élie d'Orford
17 Lucie Pépin	Shawinigan	Montreal
18 Marisa Ferretti Barth	Repentigny	Pierrefonds
19 Serge Joyal, P.C.	Kennebec	Montreal
20 Joan Thorne Fraser	De Lorimier	Montreal
21 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
22 Sheila Finestone, P.C.	Montarville	Montreal
23		
24		

SENATORS BY PROVINCE—MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Bernard Alasdair Graham, P.C.	The Highlands	Sydney
2 John B. Stewart	Antigonish-Guysborough	Bayfield
3 Michael Kirby	South Shore	Halifax
4 Gerald J. Comeau	Nova Scotia	Church Point
5 Donald H. Oliver	Nova Scotia	Halifax
6 John Buchanan, P.C.	Nova Scotia	Halifax
7 J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth
8 Wilfred P. Moore	Stanhope St./Bluenose	Chester
9 Calvin Woodrow Ruck	Dartmouth	Dartmouth
10		

NEW BRUNSWICK—10

THE HONOURABLE		
1 Louis-J. Robichaud, P.C.	L'Acadie-Acadia	Saint-Antoine
2 Eymard Georges Corbin	Grand-Sault	Grand-Sault
3 Brenda Mary Robertson	Riverview	Shediac
4 Jean-Maurice Simard	Edmundston	Edmundston
5 Noël A. Kinsella	New Brunswick	Fredericton
6 Mabel Margaret DeWare	New Brunswick	Moncton
7 Erminie Joy Cohen	New Brunswick	Saint John
8 John G. Bryden	New Brunswick	Bayfield
9 Rose-Marie Losier-Cool	New Brunswick	Bathurst
10 Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent

PRINCE EDWARD ISLAND—4

THE HONOURABLE		
1 Eileen Rossiter	Prince Edward Island	Charlottetown
2 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
3 Archibald (Archie) Hynd Johnstone	Prince Edward Island	Kensington
4 Melvin Pery	Prince Edward Island	St. Louis

SENATORS BY PROVINCE—WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Gildas L. Molgat, Speaker	Ste-Rose	Winnipeg
2 Mira Spivak	Manitoba	Winnipeg
3 Janis Johnson	Winnipeg-Interlake	Winnipeg
4 Terrance R. Stratton	Red River	St. Norbert
5 Sharon Carstairs	Manitoba	Victoria Beach
6 Richard H. Kroft	Manitoba	Winnipeg

BRITISH COLUMBIA—6

THE HONOURABLE		
1 Edward M. Lawson	Vancouver	Vancouver
2 Raymond J. Perrault, P.C.	North Shore-Burnaby	North Vancouver
3 Jack Austin, P.C.	Vancouver South	Vancouver
4 Pat Carney, P.C.	British Columbia	Vancouver
5 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
6 Ross Fitzpatrick	Okanagan-Similkameen	Kamloops

SASKATCHEWAN—6

THE HONOURABLE		
1 Herbert O. Sparrow	Saskatchewan	North Battleford
2 Reginald James Balfour	Regina	Regina
3 Eric Arthur Berntson	Saskatchewan	Saskatoon
4 A. Raynell Andreychuk	Regina	Regina
5 Leonard J. Gustafson	Saskatchewan	Macoun
6 David Tkachuk	Saskatchewan	Saskatoon

ALBERTA—6

THE HONOURABLE		
1 Daniel Phillip Hays	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Ronald D. Ghitter	Alberta	Calgary
4 Nicholas William Taylor	Sturgeon	Bon Accord
5 Thelma J. Chalifoux	Alberta	Morinville
6 Douglas James Roche	Edmonton	Edmonton

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Philip Derek Lewis	St. John's	St. John's
2 C. William Doody	Harbour Main-Bell Island	St. John's
3 Ethel Cochrane	Newfoundland	Port-au-Port
4 William H. Rompkey, P.C.	Newfoundland	North West River, Labrador
5 Joan Cook	Newfoundland	St. John's
6 George Furey	Newfoundland	St. John's

NORTHWEST TERRITORIES—1

THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON TERRITORY—1

THE HONOURABLE		
1 Ione Christensen	Yukon Territory	Whitehorse

DIVISIONAL SENATORS

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Normand Grimard	Quebec	Noranda, Que.
2 Thérèse Lavoie-Roux	Quebec	Montreal, Que.

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of September 7, 1999)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair:	Honourable Senator Watt	Deputy Chair:	Honourable Senator Johnson
Honourable Senators:			
Adams,	Comeau,	Johnson,	St. Germain,
Andreychuk,	Gill,	*Lynch-Staunton,	Watt.
Austin,	Graham,	(or Kinsella)	
Chalifoux,	(or Carstairs)	Pearson,	

Original Members as nominated by the Committee of Selection

Adams, Andreychuk, Austin, Beaudoin, Doody, Forest, *Graham (or Carstairs), Johnson
 *Lynch-Staunton (or Kinsella, acting), Marchand, Pearson, Taylor, Twinn, Watt.

AGRICULTURE AND FORESTRY

Chair:	Honourable Senator Gustafson	Deputy Chair:	Honourable Senator
Honourable Senators:			
Chalifoux,	Gustafson,	Rivest,	Spivak,
Fairbairn,	Hays,	Robichaud,	Stratton,
*Graham,	*Lynch-Staunton,	(Saint-Louis-de-Kent)	Taylor.
(or Carstairs)	(or Kinsella)	Rossiter,	
		Sparrow,	

Original Members as nominated by the Committee of Selection

Bryden, Callbeck, *Graham (or Carstairs), Gustafson, Hays, *Lynch-Staunton (or Kinsella, acting),
 Rivest, Robichaud (Saint-Louis-de-Kent), Rossiter, Sparrow, Spivak, Stratton, Taylor, Whelan.

SUBCOMMITTEE ON BOREAL FOREST
(Agriculture and Forestry)

Chair:	Honourable Senator Taylor	Deputy Chair:	Honourable Senator Spivak
Honourable Senators:			
Chalifoux,	*Lynch-Staunton,	Robichaud,	Stratton,
*Graham,	(or Kinsella)	(Saint-Louis-de-Kent)	Taylor.
(or Carstairs)		Spivak,	

BANKING, TRADE AND COMMERCE

Chair:	Honourable Senator Kirby	Deputy Chair:	Honourable Senator Tkachuk
Honourable Senators:			
Angus,	Hervieux-Payette,	Kolber,	Meighen,
Callbeck,	Kelleher,	Kroft,	Oliver,
De Bané,	Kenny,	*Lynch-Staunton,	Tkachuk,
*Graham,	Kirby,	(or Kinsella)	
(or Carstairs)			

Original Members as nominated by the Committee of Selection

Angus, Austin, Callbeck, *Graham (or Carstairs), Hervieux-Payette, Kelleher, Kirby, Kolber,
 *Lynch-Staunton (or Kinsella, acting), Meighen, Oliver, Stanbury, Stewart, Tkachuk.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair:	Honourable Senator Ghitter	Deputy Chair:	Honourable Senator Taylor
Honourable Senators:			
Adams,	Cook,	Hays,	Nolin,
Buchanan,	Ghitter,	Hervieux-Payette,	Poulin,
Chalifoux,	*Graham,	Lynch-Staunton,	Spivak,
Cochrane,	(or Carstairs)	(or Kinsella)	Taylor.

Original Members as nominated by the Committee of Selection

Buchanan, Butts, Cochrane, Ghitter, *Graham (or Carstairs), Gustafson, Hays, Kirby,
 *Lynch-Staunton (or Kinsella, acting), Spivak, Stanbury, Rompkey, Taylor, Watt.

FISHERIES

Chair:	Honourable Senator Comeau	Deputy Chairman:	Honourable Senator Perrault
Honourable Senators:			
Adams,	*Graham,	Mahovlich,	Robertson,
Comeau,	(or Carstairs)	Meighen,	Robichaud,
Cook,	*Lynch-Staunton,	Perrault,	(Saint-Louis-de-Kent)
	(or Kinsella)		Stewart.

Original Members as nominated by the Committee of Selection

Adams, Butts, Carney, Comeau, *Graham (or Carstairs), Jessiman, Losier-Cool,
 *Lynch-Staunton (or Kinsella, acting), Meighen, Perrault, Petten,
 Robichaud (Saint-Louis-de-Kent), Rossiter, Stewart.

FOREIGN AFFAIRS

Chair: Honourable Senator Stewart

Honourable Senators:

Andreychuk,	De Bané,
Bolduc,	Di Nino,
Carney,	Grafstein,
Corbin,	

Deputy Chair: Honourable Senator Andreychuk

*Graham,	Robertson,
(or Carstairs)	Stewart,
Losier-Cool	Stollery,
*Lynch-Staunton,	
(or Kinsella)	

Original Members as nominated by the Committee of Selection

*Andreychuk, Bacon, Bolduc, Carney, Corbin, De Bané, Doody, Grafstein, *Graham (or Carstairs), *Lynch-Staunton (or Kinsella, acting), MacDonald, Stewart, Stollery, Whelan.*

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Rompkey

Honourable Senators:

Bryden,	*Graham,
	(or Carstairs)
De Bané,	Kinsella,
DeWare,	LeBreton,
Di Nino,	*Lynch-Staunton,
Forrestall,	(or Kinsella)

Deputy Chair: Honourable Senator Nolin

Maheu,	Robichaud,
	(Saint-Louis-de-Kent)
Milne,	Rompkey,
Nolin,	Stollery,
Poulin,	Taylor.

Original Members as nominated by the Committee of Selection

*Atkins, Callbeck, De Bané, DeWare, Di Nino, *Graham (or Carstairs), Kinsella, LeBreton, *Lynch-Staunton (or Kinsella, acting), Maheu, Nolin, Poulin, Robichaud (Saint-Louis-de-Kent), Rompkey, Stollery, Taylor, Wood.*

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Milne

Honourable Senators:

Andreychuk,	Eyton,
Beaudoin,	Fraser,
Bryden,	*Graham,
Buchanan,	(or Carstairs),

Acting Deputy Chair: Honourable Senator Nolin

Lewis,	Nolin,
*Lynch-Staunton,	Pearson,
(or Kinsella)	Pépin.
Milne,	
Moore,	

Original Members as nominated by the Committee of Selection

*Beaudoin, Cogger, Doyle, Gigantès, *Graham (or Carstairs), Jessiman, Lewis, Losier-Cool, *Lynch-Staunton (or Kinsella, acting), Milne, Moore, Nolin, Pearson, Watt.*

LIBRARY OF PARLIAMENT (Joint)**Joint Chair: Honourable Senator Robichaud**

Honourable Senators:

Bolduc, Grimard,
Kroft,

Deputy Chairman:

Losier-Cool, Robichaud,
(*L'Acadie-Acadia*).

Original Members agreed to by Motion of the Senate*Bolduc, Corbin, DeWare, Doyle, Gigantès, Grafstein, Robichaud (L'Acadie-Acadia).***NATIONAL FINANCE****Chair: Honourable Senator Stratton**

Honourable Senators:

Bolduc, Ferretti Barth,
Cook, Fraser,
Cools, *Graham,
Eyton, (or Carstairs)

Deputy Chair: Honourable Senator Cools

Johnstone, Mahovlich,
Lavoie-Roux, Moore,
*Lynch-Staunton, St. Germain,
(or Kinsella) Stratton.

Original Members as nominated by the Committee of Selection*Bolduc, Cools, Eyton, Ferretti Barth, Forest, *Graham (or Carstairs), Lavoie-Roux, *Lynch-Staunton (or Kinsella, acting), Mercier, Moore, Poulin, St. Germain, Sparrow, Stratton.***SUBCOMMITTEE ON CANADA'S EMERGENCY AND DISASTER PREPAREDNESS
(National Finance)****Chair: Honourable Senator Stratton**

Honourable Senators:

Cook, Ferretti Barth,
**Cools, Fraser,

Deputy Chair: Honourable Senator Fraser

*Graham, *Lynch-Staunton,
(or Carstairs) (or Kinsella)
Lavoie-Roux, Stratton.

**** (ex officio member as decided by the National Finance Committee on March 24, 1999)**

OFFICIAL LANGUAGES (Joint)

Joint Chair: Honourable Senator Losier-Cool

Honourable Senators:

Beaudoin,

Fraser,

Gauthier,

Kinsella,

Deputy Chair:

Losier-Cool,

Rivest,

Robichaud,

(L'Acadie-Acadia).

*Original Members agreed to by Motion of the Senate**Beaudoin, Gauthier, Kinsella, Losier-Cool, Pépin, Rivest, Robichaud (L'Acadie-Acadia)**Robichaud (Saint-Louis-de-Kent), Simard.*

PRIVILEGES, STANDING RULES AND ORDERS

Chair: Honourable Senator Maheu

Honourable Senators:

Andreychuk,

Atkins,

Bacon,

Beaudoin,

Cook,

Cools,

DeWare,

Grafstein,

*Graham,
(or Carstairs)**Deputy Chair: Honourable Senator Robertson**

Joyal,

Kelly,

*Lynch-Staunton,
(or Kinsella)

Maheu,

Rossiter,

Sparrow,

Stollery.

*Original Members as nominated by the Committee of Selection**Bosa, Corbin, Doyle, Grafstein, *Graham (or Carstairs), Grimard, Kelly, Lewis,***Lynch-Staunton (or Kinsella, acting), Maheu, Marchand,
Milne, Pearson, Petten, Robertson, Rossiter.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Senator Hervieux-Payette

Honourable Senators:

Grimard,

Hervieux-Payette,

Deputy Chair:

Kelly,

Moore.

*Original Members as nominated by the Committee of Selection**Cogger, Ferretti Barth, Grimard, Hervieux-Payette, Kelly, Lewis, Mercier, Moore.*

SELECTION

Chair: Honourable Senator

Honourable Senators:

Atkins,
DeWare,
Fairbairn,
Grafstein,
*Graham,
(or Carstairs)
Kinsella,

Deputy Chair:

*Lynch-Staunton,
(or Kinsella)
Mercier,
Pépin,
Robichaud,
(*L'Acadie-Acadia*).

Original Members agreed to by Motion of the Senate

Atkins, Corbin, DeWare, Fairbairn, *Graham (or Carstairs), Hébert, Kinsella,
*Lynch-Staunton (or Kinsella, acting) Lewis, Phillips, Stanbury.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Murray

Honourable Senators:

Balfour,
Cohen,
Cools,
Ferretti Barth,
Gill,
*Graham,
(or Carstairs)

Deputy Chair: Honourable Senator

Lavoie-Roux,
LeBreton,
*Lynch-Staunton,
(or Kinsella)
Murray,
Poy.

Original Members as nominated by the Committee of Selection

Bonnell, Bosa, Cohen, Cools, Forest, *Graham (or Carstairs), Haidasz, Lavoie-Roux, LeBreton,
*Lynch-Staunton (or Kinsella, acting), Maheu, Murray, Pépin, Phillips.

SUBCOMMITTEE ON VETERANS AFFAIRS
(Social Affairs, Science and Technology)**Chair: Honourable Senator Balfour**

Honourable Senators:

Balfour,
Cohen,
Cools,
*Graham,
(or Carstairs)

Deputy Chairman: Honourable Senator Johnstone

*Lynch-Staunton,
(or Kinsella)
Poy,
Robichaud,
(*Saint-Louis-de-Kent*)

TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Poulin

Deputy Chair: Honourable Senator Forrestall

Honourable Senators:

Adams,	Forrestall,
Buchanan,	*Graham,
Callbeck,	(or Carstairs)
Fitzpatrick,	Johnson,

Joyal,	Roberge,
*Lynch-Staunton,	Rompkey,
(or Kinsella)	Spivak.
Maheu,	
Poulin,	

Original Members as nominated by the Committee of Selection

*Adams, Atkins, Bacon, Buchanan, De Bané, Forrestall, *Graham (or Carstairs), Johnson, *Lynch-Staunton (or Kinsella, acting), Mercier, Perrault, Poulin, Roberge, Rompkey*

SUBCOMMITTEE ON COMMUNICATIONS (Transport and Communications)

Chair: Honourable Senator Poulin

Deputy Chair: Honourable Senator Spivak

Honourable Senators:

Bacon,	Johnson,
*Graham,	*Lynch-Staunton,
(or Carstairs)	(or Kinsella)

Maheu,	Spivak.
Poulin,	

SUBCOMMITTEE ON TRANSPORTATION SAFETY (Special)

Chair: Honourable Senator Forrestall

Deputy Chair: Honourable Senator Adams

Honourable Senators:

Adams,	*Graham,
Forrestall,	(or Carstairs)
	Johnstone,

*Lynch-Staunton,	Perrault,
(or Kinsella)	Roberge,
	Spivak.

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CANADA

Debates of the Senate

1st SESSION

• 36th PARLIAMENT

• VOLUME 137

• NUMBER 154

OFFICIAL REPORT
(HANSARD)

Wednesday, September 8, 1999

—
THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



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(Daily index of proceedings appears at back of this issue.)

Debates: Chambers Building, Room 943, Tel. 995-5805

Published by the Senate

Available from Canada Communication Group — Publishing, Public Works and
Government Services Canada, Ottawa K1A 0S9,

Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, September 8, 1999

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

THE LATE HONOURABLE PAUL LUCIER

TRIBUTES

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, in the early years of this century, the great poet and writer Robert Service wrote rhymes in charcoal letters on coarse rolls of newspaper which he pinned to his cabin wall. This wonderful poet, novelist and chronicler of the Yukon Territory captured the heart and soul of the land he loved.

One of Service's famous "Yukonisms," as he put it, was penned in only five words. "The North has got him," he wrote.

When the young Paul Lucier first went to Whitehorse in 1949 from LaSalle, Ontario, he worked on the largest sternwheeler to ply the mighty Yukon River, the *S.S. Klondike*, now beautifully restored to its original proud stature. He went on to become a fire-fighter, an ambulance driver, a mechanic, a bus driver, a lover of amateur sports, a boxing instructor, and, later, the mayor of Whitehorse.

During a long and devoted service to the Senate of Canada, Paul remained always a man of the people and for the people. He much preferred the common sense coffee shop talk of ordinary Canadians to the sometimes rhetorical remonstrances of those in the so-called higher echelons of political life. Paul had a way of cutting through the rhetoric with his razor-sharp mind, and he could reduce even the most complex subjects to the simplest possible terms.

Throughout all the diverse occupations and volunteer activities that Paul undertook, throughout all the lengthy years of conviction and principle which he brought to the Senate of Canada, the people of this country, and that wonderful territory, there was one overriding force which shaped his remarkable life.

• (1410)

Robert Service said it best, because he knew the feeling better than any other: The North got him. The North shaped his vision. The North was the engine of his strength. The North emboldened his courageous heart.

Paul knew the way of the canoe and the freedom and call of the wild. He knew the wonder of vast distances, the excitement of adventure, and the splendid vast migration of the caribou from the Porcupine herd in the northern Yukon. He understood the power of solitude at the northern end of the world. He knew the joy of spring flowers, bursting through the melting snow, bringing their brilliant colour and infectious spirit to a recently

frozen landscape. How well he spoke of it, of the big, unspoiled majestic country of treeless land and 24-hour sunlight. How often he spoke of the tundra, and the small communities, of the vision and the spirit of its wonderful people, of their future, of their hopes and their dreams. How well he spoke, not only of what the Yukon was, but what it would become.

Paul understood better than most of us that the North is our greatest challenge, our greatest adventure as a people. He understood that what happens in the North and to its people will tell us much about our collective will as a nation. He knew that what happens to the North will tell us much about the kind of people that we are. Resolutely and passionately, Paul brought his experience and knowledge to Canadians from coast to coast to coast.

In his final years, Senator Paul Lucier taught a lot of us about courage. In fact, for his many friends and colleagues, his very life became the epitome of that word — a word which to me is one of the finest in the English language or in any language.

On July 29, in the company of His Honour Speaker Molgat and several other honourable senators, I visited Whitehorse to speak at a memorial service in honour of our old friend and colleague. At that service, we learned much more about our modest, courageous friend, the impact he had, and the imprint he left on the people of the Yukon. One of our newest colleagues, Senator Ione Christensen, spoke movingly about Paul and his incredible influence on the city and on the territory.

In the two weeks before that celebration of Paul's fascinating life, the world watched as a very special American took Paris in the grand prix of cycling. I thought at the time of grand prix champion Lance Armstrong's thoughts about courage because I had never heard anyone express it better. On being pressed again and again about how he could perform at such a high level in the venerated Tour de France, after his monumental struggle with a particularly aggressive form of cancer, the 27-year-old Texan responded, "You have to believe in yourself. You have to fight. You have to hold the line."

Believe, fight, hold the line — Paul Lucier did that every day over the last few difficult years, returning to his work here in the Senate of Canada with enormous fortitude, in between treatments. He remained always, in spite of his illness, a decent, fair-minded Canadian with a fighting spirit, and an honourable and principled parliamentarian until the end.

I think many of us will always remember him as part of that land that he so loved:

this land hidden in wonder and snow
or sudden with summer
this land staring at the sun in a huge silence.

Those words were written by the lawyer-poet Frank Scott over three decades ago.

We will think of a noble Canadian who found no mountain and no river too hard to cross. We will think of a land of magic and mystery, and we will think of a man who personified its strength. Yes, the North got him, and, yes, he, Senator Paul Lucier, will belong to the North forever.

To his wife, Grace, to his children, Edward, Frances and Tom, to his extended family and friends, I join with all honourable senators in an expression of the deepest and most profound sympathy on the occasion of the death of this truly remarkable Canadian.

Hon. C. William Doody: Honourable senators, I rise today to add a few words to those of my colleagues in offering tribute to the memory of our late friend Paul Lucier.

Paul was called to the Senate in 1975, just a few years before I arrived here. He was a very active senator, full of energy and involved in every facet of Senate activities. He was a very personable man, quick to laugh, easy to like.

Some years ago, Paul and I were both members of the CPA delegation to India. I got to know him pretty well during that week or 10 days, and I was fascinated to watch him absorb the culture and study the problems of governing that complex country. He was a joy to know.

He was a passionate advocate of Canada's North, and never missed an opportunity to explain to any who were interested what a truly wonderful part of the world he represented. Although he was not born in the Yukon, he quickly came to love that incredibly beautiful part of our country. He was an ardent and articulate spokesman for his adopted home.

I came to know Paul Lucier pretty well during our years of service in this place, and I developed a high regard for his honesty, his integrity and his dedication. He will be missed in the Senate of Canada and, I am sure, in the Yukon.

I should like to offer my condolences to the members of his family and to his multitude of friends.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, when I learned of the passing of Paul Lucier, and knowing that he was living at that time in Penticton, I called His Honour the Speaker and I indicated that, while I knew the major service would be held in Whitehorse, I wanted the Senate to be represented in Penticton. I, therefore, went to Penticton, and I was joined by Senator Fitzpatrick, where the first of a number of services were held in memory of the late Senator Paul Lucier.

Paul was in Penticton because palliative care could not be found for him in Vancouver where he was receiving the majority of his treatments. He had a summer cottage in Penticton, where some of his family lived, and so he went to a palliative care

centre in Penticton, which is where he lived the last few weeks of his life.

It was a traditional funeral service in a Catholic church where we do not usually eulogize the person. He was eulogized, though, because there was a reception following the service. I wanted to explain to the senators here, and to all of his former colleagues, what a joyous sense there was in this reception as we celebrated the life of Paul Lucier.

The room was decorated with a series of pictures. Some of them were snapshots of Paul and some of them were more formal pictures, but the picture of honour in this room was a picture of this chamber and his colleagues. Everyone who entered immediately saw that this Senate chamber had been such an important part of Paul Lucier's life.

Like all of you, I knew Paul as a man with an easy-going sense of humour, a man with a joy for living, and I knew of his deep feelings for the North. However, I did not know Paul Lucier, the jokester. This aspect of his life was so central to the conversations that went on in the room and the remarks that people made, that I want to share one story with you, honourable senators.

• (1420)

There was a picture of Paul holding a large fish that was estimated to weigh about 35 pounds. Paul was clearly holding this fish as if he had caught it. However, the story that was told at the reception was that not only had Paul not caught this fish but it had been caught by a nephew. Paul had demanded that his picture be taken holding this fish, but once the picture had been taken, he dumped it back into the lake so that the nephew never did get a picture of himself holding it.

Everyone in the room who knew Paul and knew him to be a jokester thought this was wonderful, including the nephew, who told the story and said that even he thought it was funny though he did not get his picture taken.

I will remember those few moments spent with that family forever because, although I had admired and respected Paul, I got to know the real Paul at that reception. I only wish I had been able to know him a little better while he was still with us.

Hon. Jack Austin: Honourable senators, I want to add a few words to the comments of Senators Graham, Doody and Carstairs with respect to our friend Senator Paul Lucier.

Senator Paul Lucier and I met in Whitehorse in September of 1975. At that time, I was a new senator who was pursuing an old interest in the Yukon, where I had been called to the bar in 1966. I heard a great deal about Paul on that particular trip. He was the mayor of Whitehorse and he had a reputation as an outstanding administrator and a person with a pervasive knowledge of everything that happened in the Yukon. I gave him a call. We chatted about mining in the Yukon, which was one of our joint interests, life in the native communities, and the prospect for resolving native land claims.

Paul decided that I needed a real Yukon experience, so he took me fishing. His son Ed, who had just become a pilot, flew us in a small plane to a lake some distance from Whitehorse. The fishing was marvellous. I cannot remember the name of the lake, but in my mind it has always been "Lake Lucier."

Over the years since, we had great conversations. I discovered that Paul was an exciting person who possessed a shrewd judgement about human nature. I think my colleagues in the Liberal caucus came to see Paul as the quickest read of anyone in the caucus as to where an argument might be going. He was very quick to call the shots when he disagreed with a particular argument.

During his years in the Senate, Paul was a partisan for the Yukon. He worked very hard on the development of the native claim settlement process and other legislation dealing with the economy of the Yukon. However, he was also a pan-Canadian. Paul never forgot his Franco-Ontarian roots in that marvellous hotbed of political growth, namely, the Windsor area of Ontario. He had a vision about Canada that was truly an ideal for what Canadians should believe in when they come to believe in their country.

I always thought that Paul would have made a great member of Parliament from the Yukon. By "member of Parliament," I mean a member of the other place. Paul's career coincided with the years of the Honourable Eriq Nielsen, and then with the years of Audrey McLaughlin. We were fortunate to have Paul in our chamber and to have his contribution here.

Before I left for China in the third week of July, I spoke to Ed Lucier to see how Paul was faring. I was not surprised when I heard, while I was in China, that Paul had died. I am very sorry that I was unable to attend the funeral, but I send my respects and regrets to his family, Grace and the children.

Hon. Ione Christensen: Honourable senators, I am honoured to be able to stand as the representative of the Yukon and to address my words of condolence to the family of Senator Paul Lucier.

While Paul's health in the past years did not allow him to be as visible at home in the Yukon as he would have liked, he always kept in close touch with people there, as I quickly learned from the numerous phone calls that I received two days before I came down here.

Paul was a fierce advocate in this place with respect to all matters that concerned the Yukon. It was evident from the numerous comments that I have heard and received in the last two days that he was both loved and deeply respected by the members of this place.

I certainly have very big shoes to fill.

Hon. Jeremiah S. Grafstein: Honourable senators, the North, the mysterious, inviting, inhibiting true North, aligns Canada as no other tangible or intangible bond. Our dearly departed friend Paul Lucier was born in Ontario and chose to settle in the North, in the Yukon, while still in his teens.

As the North defined Paul, so Paul helped define the North. Roustabout, sailor, trucker, boxer, inveterate card player, coach, mechanic, fire-fighter, ambulance driver, gun collector, hunter, wilderness guide, fisherman, politician, small businessman. Paul was a skilled jack of all trades. Almost of his life, he worked with his hands and his brain and, in the process, developed a simply marvellous rapport with working people — a rapport in which he had great pride.

A while ago, I travelled to the Yukon with several parliamentarians of both Houses. We stopped at a high lookout. Far below was a small, shimmering, diamond-like lake, and beyond, vast snow-capped vistas that stretched for miles in all directions. The air was crisp, cool, clean and invigorating. I asked one colleague, a member of the Bloc Québécois, as we stood there gazing at the beauty of the geography: "All this is yours and mine. Why would you want to give it up?" He turned to me in deep reflection and said quietly, "I am not sure we do."

The North defines all of us in ways that we cannot imagine. For me, Paul exemplified the best pioneering spirit of Canadians who choose to live and work in the North. Paul was cocky, confident, tough, humorous, quick and self-sufficient, with a marvellous smile and an outrageous sense of humour.

I first met Paul in 1966, when I visited Whitehorse during an infamous national election campaign. Even then, you sensed that he was on the way up politically. As we strolled through town, there was not anyone who did not stop and say "Hello" and ask for a joke or for his advice about some matter, large or small. Who can forget Paul's dazzling smile, his chuckles, his quiet partisanship, his loyalty to friends and liberal ideas, which were self-evident and exemplary.

Paul was born and brought up in a French home in Ontario, and educated in a totally French environment. Yet, he had no time for French nationalists. He vitriolically opposed in this chamber, and elsewhere, Meech Lake. He felt Meech would not unite the country but divide it. He was, honourable senators, the first senator appointed to the Yukon, and he fought hard to gain recognition for aboriginal land claims in the North and elsewhere. It was only right, according to Paul. It was only fair.

Paul remained a fighter to the very end. He fought his illness with courage and quiet valour until finally it conquered him. He sat there just a few seats away, when he came back from time to time. He would always throw me an irreverent one-liner which never failed to break me up, even in the most solemn moments of this chamber.

Paul had a zest for life and a zest for living. He never complained, even when his eyes betrayed the pain that he was suffering. I was privileged, as many of us were, to call him a friend.

• (1430)

I extend to his wife, Grace, and his family and friends too numerous to mention, our deepest condolences.

I conclude with a paragraph from a poem written long ago by English writer Stephen Spender entitled "The Truly Great":

Near the snow, near the sun, in the highest fields,
See how these names are fêted by the waving grass
And by the streamers of white cloud
And whispers of wind in the listening sky.
The names of those who in their lives fought for life,
Who wore at their hearts the fire's centre.
Born of the sun, they travelled a short while toward the sun
And left the vivid air signed with their honour.

When Paul left this world, he left the air vivid with his honour.

Honourable senators, the surname Lucier is French, originating from the Latin word *lucere* which means "to shine brightly." Paul's plucky memory will ever shine brightly for all those who had the privilege to know him.

Hon. Joyce Fairbairn: Honourable senators, I would like to say a few words in memory of someone who was a very early friend of mine when I came to this chamber. He became one of my closest colleagues and friends over the last 15 years.

When I first came to this place, Paul and I had offices across the hall from each other on the fifth floor. From the very beginning, he held out his hand to me in a way that was of great comfort. Others may think this is an easy place to enter, but each of us here knows that, upon first arriving, this place is at the very least confusing and, at the most, I suppose, a joy.

I came to know this gentleman from the Yukon as being very real. He had fierce principles, no pretension, a great sense of humour. When people talk about someone being a "fine person," Paul Lucier personified that expression.

He valued fairness and compassion for people above politics, above Parliament, above all. That value motivated his personal life. It motivated his work here at the Senate, and it certainly was at the heart of his determination to represent his beautiful territory and all those who live there. He most particularly wanted to represent aboriginal Canadians. Whether they were residents of the Yukon or any other place in Canada, he sought to defend their hopes and aspirations.

Honourable senators, I also attended the service in Whitehorse. Although the occasion was very sad, I was glad to be there because I saw Paul's life in a context in which most of us have never seen him. I saw where he lived, among his mountains, along that river. The service was held in a community hall with a window looking out on the beautiful scenery, and it was truly a celebration. As Senator Graham has said, it was a time when one appreciated the effect that a person of such humanity and quality had upon the people he served. We also saw the strength that he had drawn from them.

To paraphrase Senator Lynch-Staunton as he welcomed our new senators yesterday, the Senate is an institution which represents, through the people in it, some of the finest qualities of

Canadian citizenship. I would say that Paul was first amongst those representatives.

After the memorial service, I had a wonderful dinner with his faithful supporter, Anne, who I think is in the gallery today with other friends. Afterwards, they sent me a copy of the local newspapers showing the kind of coverage that they felt this gentleman deserved. They gave him a terrific send-off. They had colour photos of Senator Lucier on the front page and they included exciting and interesting stories, the way stories used to be written when I was young. Senator Carney would remember. The paper did a wonderful job in describing Paul and the esteem in which he was held by those who were there.

Our new senator, Senator Christensen, was there. Senator Graham spoke, as did the Honourable Judy Gingell, Commissioner of the Yukon. Father David Daws, the vigorous priest who conducted the memorial service, gave us some new insights into Paul. He described the relationship between himself and Paul Lucier as being like the relationship he had with God. We all took a breath and then he said:

Not that I would consider Paul as God. After all, he was a Liberal.

That brought some chuckles from a few of us in the crowd.

I want to quote another comment from that service because it puts an exact description on this former colleague and friend of ours. It was made by a long-time friend of Paul's, Jack Cable who sits in the Yukon territorial legislature:

He did not have a lot of formal schooling, but he had a lot of common sense and he had a lot of good judgment and he had a lot of good people skills. He had a whole lot of what people like about other people.

That to me sums up the wonderful man. We can only say again to Grace and to all of the family, what a privilege and joy and honour it was to have him with us in the Senate, to have him as part of our lives. We know how much we will miss him. We can only imagine the memories that you, your children and grandchildren, will take with you for so many years to come. Please accept our sympathy and our very best wishes.

Hon. Willie Adams: Honourable senators, I first met Paul Lucier when I was appointed in 1977. There were not many aboriginal senators here in the Senate and not too many senators with real experience of the North.

When my appointment was announced, Senator Lucier called me in Rankin Inlet to congratulate me and welcome me to the Senate. I told him this was a difficult time for me, that I really was not very familiar with the Senate of Canada, and I wondered what I would do. Paul said to me, "Willie, don't worry, come to Ottawa and we will work together on issues concerning the North."

I will never forget that. He made me feel so much better about coming into Ottawa to sit in this Senate chamber.

• (1440)

In the early 1980s, we were talking about the Constitution of Canada. At that time, the future of the North, the Yukon, the Northwest Territories and the Arctic in general was a difficult subject. The committee chaired by Senator Molgat travelled quite a bit across Canada. At that time, it was difficult to see what would happen with regard to aboriginal people in the Constitution. Finally, section 35 was added to the Constitution.

We were then talking about setting the boundaries in the Arctic and the Yukon. It was said that the Yukon would be part of B.C.; that part of Manitoba would be in Keewatin; that Baffin Island would become part of Quebec, and that other area would become part of Prince Edward Island.

I will never forget Paul. When we were fighting over the Constitution and native rights, we learned a lot from him about dealing with the Government of Canada. He had so much concern for the people of the North.

There was talk at that time about seats for the provinces. In 1982, we did not expect that Nunavut would become a reality, and that we would reach land claims agreements. At that time, the government agreed that, in the future, there would be extra seats for the territories. Paul and I fought hard for that, and yesterday my friend Nick Sibbeston was appointed to the Senate. Today, we have more representation for natives in the territories.

We did a great deal of work in the Senate on the Constitution and in our committee in 1982. At that time, Senator Watt was president of the Makivik Corporation and the Northern Quebec Inuit Association as well as a councillor for the Kativik Regional Government. He appeared before the committee as a witness. I never expected at that time that he would later be appointed to the Senate.

After a few years, I moved to Ottawa, and Senator Lucier and I would go up to the Parliamentary Restaurant and share jokes. When Senator William Guay was still here, three or four of us would go up together to the Parliamentary Restaurant. It was cheaper to go there at that time. A meal cost about \$2.50. Now the prices are up to about \$20 a meal. We used to go there and talk about the old days.

I had bought a piece of property in Ottawa, and learned that I had some beavers on my property. Paul told me to trap them. I said "No." He said "Some people are interested in trapping beavers." One day, a white man came along and trapped on my property. They always joked and said, "Willie, you are a native. Why do you need to hire a white man to trap on your property?" I will never forget that.

I used to travel quite a bit, and at one time we had a small party in an igloo with some area administrators. I had gone up there to do some electrical work. One day, one of the area administrators bought a few beers, and we wanted to show people that it was possible to party in an igloo. Someone left a candle in a cardboard box, and no one blew it out. The next morning, we went by the igloo, and it had burned down — or rather, it had melted. Paul Lucier and Peter Bosa, who is also no

longer with us, used to joke and ask me if I had collected insurance on my igloo yet.

Those are the kinds of memories that I have of Paul Lucier. I am sorry that I did not make it to his funeral in the Yukon. I miss him. He did a lot of work for us. I wish to thank everyone who did everything they could for Paul, including all the members of his family, to whom I express my deepest condolences.

The Hon. the Speaker: Honourable senators, I would ask you to rise for a moment of silence in honour of our colleague the Honourable Paul Lucier.

Honourable senators then stood in silent tribute.

[Translation]

THE LATE HONOURABLE HÉDARD ROBICHAUD

TRIBUTES

Hon. Rose-Marie Losier-Cool: Honourable senators, on Monday, August 16, 1999, New Brunswick and Canada lost one of their greatest politicians, with the passing of the Honourable Hédard Robichaud at the age of 87.

Born at Shippagan on November 12, 1911, Mr. Robichaud had an illustrious political career as an MP, a minister, a senator, a lieutenant-governor and special ambassador to Chile.

Elected in 1953, he held the federal seat for Gloucester, now the riding of Acadie—Bathurst, in Northeastern New Brunswick, until 1968. In 1963, the Right Honourable Lester Pearson appointed him Minister of Fisheries. It was in that position that Mr. Robichaud left his greatest mark.

To quote the Honourable Louis-Joseph Robichaud:

He is the first minister to come to the portfolio with the needed knowledge of the fisheries. The others were perhaps stronger on the administrative side.

One of his successors in Fisheries, the Governor General of Canada, the Right Honourable Roméo LeBlanc, also recalls Mr. Robichaud's determination to promote this industry in the Acadian Peninsula. As he said:

I had the opportunity to listen to him, and to consult him. He told us that all the fish must not be caught this year, because they would not then have the chance to spawn for next year. This was a warning that there were fish in the waters, but care had to be taken to keep them there for future generations.

In 1968, Mr. Robichaud was sworn in as a senator. There he remained for three years before becoming the first Acadian to be appointed Lieutenant-Governor of New Brunswick, in 1971. During his ten years in that position, he rendered great service to New Brunswick as well as to the political representation of francophones.

He was more than a politician. He was the husband of Gertrude Léger and the father of nine, as well as a friend to many throughout Acadia, New Brunswick, Canada and the whole world.

Respected and admired, he was ever at the service of the people. He has left an indelible mark on his former colleagues and compatriots.

On behalf of myself, all Acadians, to whom he was so devoted, and all my colleagues in the Senate, I offer my heartfelt sympathy to his wife, Gertrude, his children and his grandchildren. I sincerely thank them for sharing this husband, father and great Acadian and Canadian politician.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the people of New Brunswick were saddened to learn of the death of the Honourable Hédard Robichaud, the twenty-fourth lieutenant-governor of the province and the first Acadian to occupy the position.

Hédard Robichaud served as a member of the House of Commons before being appointed to the Senate in 1968. I, therefore, have had the privilege of working with and admiring this great Canadian for over 30 years.

Mr. Robichaud was born in Shippagan, New Brunswick. He pursued his studies in Tracadie, at the Académie Sainte-Famille and at the Université Sacré-Coeur in Bathurst. He was a graduate of the Université Saint-Joseph, later the University of Moncton. He lived in Caraquet, but, as we know, his world extended well beyond the boundaries of New Brunswick and Canada.

Mr. Robichaud made a strong contribution to the fisheries sector, first as an inspector and director of fisheries for New Brunswick and then, from 1963 to 1968, as the Canadian Minister of Fisheries.

In carrying out his public duties, Hédard Robichaud was a model of generosity and self-denial and was rewarded for being so by great professional success and many expressions of affection.

In the Privy Council as in his positions of lieutenant-governor, senator and federal minister, he turned his sense of duty to the service of New Brunswick and Canada, and loyalty and honesty were the watchwords in his treatment of them. This loyalty was a great source of inspiration to us, and we are sure he is at peace among the just.

Hon. Fernand Robichaud: Honourable senators, Acadia has lost a man who marked its history in various ways. Hédard Robichaud, as has been said, was elected the member for Gloucester, where he represented a strongly Acadian population of the Acadian Peninsula.

He accepted the responsibility of his appointment as Minister of Fisheries with enthusiasm and conviction. His great knowledge of this sector was not due simply to the fact that he lived in Caraquet on the Acadian Peninsula, but also to the fact

that he was close to the people, he was attentive and he knew how to listen to the people he represented.

This willingness to meet with people characterized his tenure as Lieutenant-Governor of the Province of New Brunswick. He delighted in travelling to all corners of the province to meet the public.

I had the pleasure of meeting Hédard on more than one occasion, and in more than one place. He was always accompanied by his wife, Gertrude, who was as unfailingly good-humoured and interested in what was going on as her husband. Hédard always had the unconditional support of his family, who understood the role his political life required him to play.

Like me, Hédard was born in Shippagan. I am proud to say that, yes, we are related! Hédard was the son of Jean, who was the son of Georges. My father, Albert, was the son of Pierre, known as Peter, who was also a son of Georges.

I therefore extend my deepest condolences to his entire family. I know that Hédard will long be remembered, particularly by the Robichaud clan.

The Hon. the Speaker: Honourable senators, I would ask you to rise and observe a minute of silence in honour of the Honourable Hédard Robichaud.

Honourable senators then stood in silent tribute.

[English]

SENATORS' STATEMENTS

HEALTH

PREVENTABLE INJURY—SMARTRISK FOUNDATION

Hon. Donald H. Oliver: Honourable senators, I am sure we are all agreed that anything we can do to reduce health costs in this country is in the best interests of Canadians. I have learned recently of Smartrisk, a national injury prevention organization dedicated to showing Canadians the risks that we face in our everyday lives. Their main purpose is to help us understand how to navigate these daily risks, and practice smart risk behaviour to prevent potential injury and death.

In July, I participated in a golf fundraising event, where I met Dr. Robert Conn, the founder of Smartrisk. A respected paediatric heart surgeon, Dr. Conn began to question the cause of the staggering number of injuries he saw disabling and killing Canadian youth. He came to realize that the majority of these injuries were not simply accidents, or acts of fate, and that 9 out of 10 were predictable. Dr. Conn's solution was to create Smartrisk, an organization based on the premise that if certain injuries are predictable, they can be prevented, thereby saving lives, eliminating needless pain and suffering, and reducing health costs.

Too many Canadian are dying needlessly. Seven out of every 10 teenage deaths occur as a result of a preventable injury: There was the newly engaged 21-year-old, just accepted into law school, who crashed without a seatbelt and literally smashed his head in; there was the 19-year-old who, after a few beers, ran his motorcycle into a tree, and the grade 8 student who jumped off a rooftop into the shallow end of a pool; there were the teenagers who skied off the trails, went on a snowmobile ride over thin ice, and dived into rocks. These are young Canadian lives that were lost in accidents that could have been both predicted and avoided.

Injuries are the leading killer in Canada of Canadians under the age of 44, and injuries result in the death of more children than any other cause combined.

• (1500)

According to the 1995 study conducted by Smartrisk, in partnership with Health Canada, preventable injuries cost Canadians \$8.7 billion, or \$300 per every citizen. Roughly, \$4.2 billion is spent on health care, while the remaining \$4.5 billion is attributable to social productivity losses associated with the loss of people from the workforce. Falls and motor vehicle accidents represented over 60 per cent of this total cost. In 1995, there were over 468,000 falls among the elderly, amounting to almost \$1 billion in costs or \$2,100 per fall.

The statistics get worse as each year over 2 million Canadians are injured, an average of 6,000 injuries per day. Even more startling, 250 injuries occur every hour of every day and each year more than 47,000 people are left permanently with partial or total disabilities.

Honourable senators, the sad reality is that 21 Canadians will die from an unintentional injury today. This equals almost one person per hour.

It is clear that preventable injuries are the silent epidemic that poses an extremely serious and expensive public health challenge to Canada. It is a problem that significantly affects the lives of Canadians every day but has for the most part gone unnoticed by our governing institutions.

Smartrisk has taken a giant step in opening the eyes of Canadians to the potential dangers that exist in their daily lives. However, still more needs to be done. Very little detail is known about unintentional injuries such as falls and motor vehicle accidents. Better information and tracking systems are needed to guide prevention efforts. According to the Smartrisk study, Canadians could save over \$1.7 billion every year by preventing 20 per cent of these injuries with the establishment of a well-coordinated national effort.

In conclusion, I encourage all honourable senators to support the Smartrisk Foundation and to endorse an inquiry by the Standing Senate Committee on Social Affairs, Science and Technology into the development of a national injury prevention strategy.

We need to help Canadians learn how to take smart risks and assure that we all continue to enjoy long and fulfilling lives.

[Senator Oliver]

INTERNATIONAL LITERACY DAY

Hon. Joyce Fairbairn: Honourable senators, on our final International Literacy Day of this century, I invite all of you to join in renewing commitment and encouragement to Canadians everywhere who are struggling with literacy problems, while technology demands that we move constantly further and faster along the road of education.

As we look towards the millennium, it is useful to reflect on the progress made on this difficult issue over the last few decades. Through the years, the literacy movement has expanded from an army of volunteers in all the towns, villages and cities of this country, to a growing partnership of literacy organizations and governments, businesses, unions and a myriad of associations whose concerns and demands cross over into the literacy area. Each year our programs grow stronger and spread more broadly throughout society.

Canadians are coming to accept that we cannot take learning and education for granted. This is a slow process and our biggest challenge still is the lack of awareness that the fundamental problems of difficulty in reading, writing and communicating continue to exist in varying degrees in the daily lives of more than 40 per cent of our adult citizens.

We are finally seeing the light that these problems do not just begin somewhere along the way in school or in the workforce but right at the start, in the earliest months and years of a child's life.

In my work with the National Literacy Secretariat, it has been interesting to watch how these messages come up from the ground, from the communities, and not down from governments and boardrooms. Canadians on the ground have taken a strong lead in telling us that family literacy is the most potent dictator of how young Canadians begin a life of learning. Strong and creative support is needed to build the literacy health of all family members so that there may be a collective influence.

Honourable senators, we need all of our citizens to have a fair chance to contribute to and to participate in a meaningful way to the daily life of Canada, no matter what their age or social or economic situation may be. Our world must not become simply a place where people cope.

I urge each one of us, from our very privileged positions, to listen to those messages and send back our own response of support and understanding with all our progress. We as a society need to do so much more and I know each of us can contribute to that goal.

Hon. Mabel M. DeWare: Honourable senators, I rise with pleasure on International Literacy Day, 1999 to speak on an occasion which is cause for both celebration and concern.

International Literacy Day should indeed be celebrated, for countries around the world have recognized the critical importance of literacy and are taking action to promote it. The ability to understand and use printed information at home, at work and in the community is key to the economic success of individuals and of the societies in which they live.

The issue of literacy is becoming more and more important. Poor literacy skills have long been recognized as a major problem for developing countries. There is now a growing awareness that poor literacy can also be a real problem for industrialized countries. This problem must be addressed. Adult literacy is fundamental to both the economic performance and social cohesion of Canada and other industrialized nations.

Thanks to the recognition of and action on literacy issues, some progress has been made. Internationally, the incidence of illiteracy, estimated at 45 per cent 50 years ago, has fallen to 23 per cent. However, honourable senators, there remains much cause for concern. An estimated one in five men and one in three women worldwide are not literate.

In Canada, close to one-half of our adults aged 16 and over lack adequate literacy skills. The 1994 international adult literacy survey measured Canada's proficiency at five different levels. The results bear repeating. It was found that 48 per cent of Canadians are at the two lowest levels. One third of Canadians are at level three, which is widely considered to be the minimum skill level for successful participation in society. Only 20 per cent of Canadians are at the top two levels, with strong literacy skills that will enable them to deal with complex materials.

Honourable senators, International Literacy Day, which was celebrated for the first time on September 8, 1967, was established by the United Nations Educational, Scientific and Cultural Organization in 1966. UNESCO did this on the recommendation of the 1965 World Conference of Ministers of Education on the Eradication of Literacy.

Many significant events have taken place since then and, in particular, I wish to draw the attention of this chamber to the presentation of the 1995 International Reading Association Award to the Community Academic Services Program of my own province of New Brunswick.

In Canada, many groups have been working at the grass roots level for decades to promote literacy among Canadians. However, it was not until the late 1980s that Canada recognized literacy as a national issue requiring a national response. A former Progressive Conservative government created the National Literacy Secretariat in 1988. That was 11 years ago. Today, it continues to foster partnerships among Canadians and their governments to promote public awareness of literacy issues and to improve access to literacy programs for Canadians in all regions. I am pleased that the current government has seen fit to maintain this important organization. In particular, I must commend our colleague the Honourable Joyce Fairbairn for her tireless efforts to promote literacy both within and outside this chamber.

Our own Senator Di Nino has introduced in this chamber legislation to remove the tax on reading materials. Support for this bill would show that we are serious about increasing literacy.

Therefore, our initiatives to promote literacy can be big or small; they can be political or personal; one-time or ongoing. By reaching out, not only on International Literacy Day, but throughout the year, we can all make a difference.

• (1510)

PUBLIC WORKS

BRITISH COLUMBIA—PROPOSED EXPROPRIATION OF NANOOSE TEST RANGE

Hon. Pat Carney: Honourable senators, on Friday, September 3, Michael Goldie, Hearing Commissioner for this summer's hearings into the federal government's proposed expropriation of B.C.'s Nanoose Bay torpedo range, submitted his report to Public Works Minister Alfonso Gagliano. In his report, he outlined more than 2,000 objections submitted to him by British Columbians to this unprecedented hostile takeover of B.C. property by Ottawa.

I have five serious concerns about the proposed expropriation of Nanoose, which I raised before Hearing Commissioner Goldie in my appearance of August 5, and I should like to put them on the Senate record.

First, the federal government's jackboot response to the breakdown of talks between Ottawa and British Columbia on the terms of the renewal of the seabed lease sets a disturbing precedent for other provinces opposed to federal actions and for the balance of federal-provincial powers in Canada. I believe it will cause irreparable harm to our country.

Imagine, if you will — and I am sure Senator Taylor could — that the feds do not like what an Alberta premier plans to do in energy pricing. Within days, Ottawa expropriates the Cold Lake Weapons Range; or the government in Ottawa is unhappy with the Premier of Newfoundland and Labrador, so it impounds Labrador's Goose Bay foreign military training site. Both facilities were established by means of agreements between the federal and provincial governments that use them and, like the Nanoose Test Range, are part of Canada's international defence obligations.

You may think it unthinkable that Ottawa would move to expropriate land owned by these provinces. One suspects the only reason the feds have put the boots to British Columbia is that the current unpopularity of the B.C. government permits such an outrageous action.

Second, the proposed expropriation would mean the impounding of territory that the Supreme Court has ruled was owned by the colony of B.C. before it joined Canada. Think of the precedent this would have for Quebec if it were ever to hold another referendum on separation. Think of the precedent and the problems it would create for the future development, protection or conservation of B.C.'s oil and gas or other marine resources, or for native land claims.

My third objection is the chilling effect on the disclosure of underwater maritime activity that expropriation will create. At present, there is a lease agreement between the provincial and federal governments, the terms of which are available to anyone who wishes to review a copy of the lease. However, what happens to disclosure or transparency if the federal government

simply confiscates Nanoose? The present federal government is known for its tendency to keep things secret, even environmental assessments. Things get worse when the Americans are involved, given the current American paranoia over security issues raised in the Cox report on alleged Chinese nuclear espionage activities.

This brings me to my fourth concern: the role the Americans are playing in this federal war games exercise with B.C. My office has been unable to determine the terms of renewal for the agreement between Canada and the U.S. over the use of the Nanoose Test Range. This adds to the secrecy surrounding the federal government's intent to expropriate and raises the possibility that B.C. is being used as a pawn in political war games with the Americans — even more so if we consider the Cox report, ensuing restrictive American defence regulations, and the billions of dollars in Canadian defence contracts put in jeopardy by these changes.

My last and most serious concern is that Ottawa's hostile takeover of provincial property represents a failure of our political system and a personal failure of the politicians involved.

Having been the political minister for B.C. in another federal government, I know that the job requirements are to liaise with the provincial governments, to get along with each other and to negotiate differences. First ministers conferences are just that — the meeting of equals in Confederation. Certain powers such as defence are reserved for the federal government in the national interest. However, it is in the national interest to negotiate, not to expropriate. This is the Canadian precedent for settling disputes such as the Nanoose Test Range, and it is the one which has the support of the many British Columbians who have written me on this issue.

[Translation]

THE INAUGURATION OF THE CARREFOUR L'INDUSTRIELLE-ALLIANCE

UNVEILING OF BUST IN HONOUR OF
THE HONOURABLE RAOUL DANDURAND

Hon. Lucie Pépin: Honourable senators, on August 25 I took part in a ceremony to inaugurate the Carrefour L'Industrielle-Alliance in Montreal and unveil a bust in honour of Senator Raoul Dandurand.

The Carrefour L'Industrielle-Alliance came about as a result of a project to restore a historic building in downtown Montreal. Its inauguration will inject new life into the city.

However, what is important is that the Carrefour is dedicated to the memory of an eminent Canadian, Senator Raoul Dandurand. Few of us are familiar with the achievements of this distinguished Montrealer.

Born in 1861, he studied law and entered politics at the age of 18. As a candidate in federal elections, he became a key player in the cabinets of Sir Wilfrid Laurier and Mackenzie King.

Throughout his life, Senator Dandurand defended the cause of universal public education and played a role in making school attendance compulsory. He founded the Collège Stanislas and the Université de Montréal.

[English]

He was appointed to the Senate in 1898, where his interests lay in promoting Canada's role internationally and promoting the evolution of our relations with Great Britain. Senator Dandurand was appointed a Canadian representative of La Société des Nations in Geneva in 1924 and a delegate to the Council of the League in 1927. He was named a Grand Officier de la Légion d'honneur. Throughout his life, he remained an ardent defender of human rights and the peaceful resolution of conflict.

[Translation]

Senator Dandurand was a visionary, a great Montrealer, and an eminent Canadian. What a wonderful idea to honour his memory in a centre as popular and frequently visited as the Carrefour L'Industrielle-Alliance. This initiative will provide the people of Montreal with an opportunity to learn more about the little-known but extraordinary accomplishments of one of our predecessors.

[English]

ROUTINE PROCEEDINGS

SHELTER STRATEGY FOR ABORIGINAL PEOPLES

NOTICE OF INQUIRY

Hon. Thelma J. Chalifoux: Honourable senators, pursuant to rule 57(2), I give notice that on Friday next, September 10, 1999, I will call the attention of the Senate to the Shelter Strategy for Aboriginal Peoples.

PUBLIC SECTOR PENSION INVESTMENT BILL

PETITIONS

Hon. David Tkachuk: Honourable senators, I have the honour to present to the Senate petitions containing over 3,650 signatures of members of the Canadian Union of Postal Workers from all across Canada. They are petitioning senators to amend Bill C-78 to ensure negotiations over their pension plan begin immediately and, failing that, to encourage the Senate to defeat Bill C-78.

QUESTION PERIOD

FOREIGN AFFAIRS

PROGRAM FOR EXPENSE-PAID TRIPS FOR JOURNALISTS— GOVERNMENT POSITION

Hon. Donald H. Oliver: Honourable senators, my question is addressed to the Leader of the Government in the Senate and is about the use of taxpayers' money for expense-paid trips to foreign cities by Canadian journalists.

In a story in today's *National Post* newspaper, the headlines say, "Foreign Affairs gave trips, cash to journalists — part of bid to boost image." The story states that the programs include all-expense-paid trips to foreign cities for journalists from Canadian community newspapers, cross-Canada speaking tours for high-profile diplomats, and that it is costing \$1.4 million in funding. Is this the proper use of taxpayers' money? Is this a new initiative of the Chrétien government? When will this abuse of power end?

• (1520)

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, without agreeing with either the premise or some of the questions asked by Senator Oliver, I am not aware of such assistance or such offers being made, but I shall certainly make the appropriate inquiries.

Senator Oliver: Did the Leader of the Government not see the story in the front page of the *National Post* today? If he read it, does he not know that the program has \$4.6 million for these expenditures?

Senator Graham: Honourable senators, I regret very much that, while I try to read the *National Post* as often as I can, I have yet to get to the front page of that paper today.

CANADIAN HERITAGE

SIR WILFRID LAURIER DAY—RECOGNITION OF OTHER PRIME MINISTERS—GOVERNMENT POSITION

Hon. Marjory LeBreton: Honourable senators, my question is addressed to the Leader of the Government in the Senate.

It was reported over the summer that the government would soon announce that November 20 would be set aside each year as a non-statutory holiday in honour of the memory of Sir Wilfrid Laurier, a Liberal. Honourable senators, Laurier's contribution to Canada's development cannot be disputed. He holds a special place in our history, as do others who followed. His immediate successor, Sir Robert Borden, a Conservative, led Canada through the Great War, as it was then called. Sir Robert Borden is credited with overseeing Canada's coming of age and is certainly one who is equally deserving of recognition.

The debate could go on and on as to who is deserving and who is not. However, as much as revisionist historians wish it were

not so, Sir John A. Macdonald was Canada's first Prime Minister. Sir John A., as we all know, was a Conservative. He has naturally been referred to by many as Canada's greatest Prime Minister because he is the Father of Confederation. He shaped together a great coalition, our beloved country Canada, and lead the country for 18 years and 11 months, from 1867 to 1873 and from 1878 until his death in 1891. He was a visionary and a nation builder.

To mention a few of his accomplishments, under him the Northwest Mounted Police Force was established, the Canadian Pacific Railway was built, and Prince Edward Island, Manitoba and British Columbia all joined the Canadian Confederation. Indeed, Canada's first national park, Banff, was established under the Macdonald government.

We in Parliament often decry the fact that Canadians know little of our history. How is it possible, then, that the government could even consider a Sir Wilfrid Laurier Day and overlook Sir John A. Macdonald, our first Prime Minister and, in so doing, also overlook the first 30 years of Canada's history as a nation?

Can the Leader of the Government in the Senate state emphatically that this is not the case?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I overlook Sir John A.'s statue outside the window of my office. Everyday, I am reminded of the great contribution that he made to our country.

I am not aware of any specific decision with respect to the Right Honourable Sir Wilfrid Laurier and a holiday to be announced in his memory. I shall make the appropriate inquiries, but I could not agree more with Senator LeBreton regarding Sir John A. Macdonald's contribution to the history and development of this country.

AMENDMENT TO EXCISE TAX ACT

PASSAGE OF BILL S-10 IN RECOGNITION OF INTERNATIONAL LITERACY DAY—GOVERNMENT POSITION

Hon. Consiglio Di Nino: Honourable senators, my question is to the Leader of the Government in the Senate.

Honourable senators heard today from a number of senators who spoke in recognition of International Literacy Day and its value not only to Canada but to the rest of the world, including an eloquent speech by Senator Fairbairn — who, as an aside, would have made a great Governor General!

Senator Tkachuk: Better than the one we got!

Senator Di Nino: Bill S-10, which received a certain amount of support from that side and from this side, is still sitting on the Order Paper. Would it not be appropriate to pass that piece of legislation and dispose of it today? Perhaps it could be passed today as a symbolic gesture to International Literacy Day, as Mr. Peter Gzowski, one of the great Canadian supporters of literacy, suggested during his appearance in front of the committee?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, Peter Gzowski is not only a great champion of literacy but also a great golfer who sponsors golf tournaments around the country in aid of literacy. However, he is no greater a champion of literacy than my colleague the Honourable Senator Fairbairn, who was the minister responsible for literacy. Even today she has special responsibilities within the Department of Human Resources Development for promoting literacy, which she does in such an eloquent and tireless manner across the country. I recall well the debate that we had at that particular time.

Yesterday, we introduced six outstanding Canadians as new senators in this chamber. I remember the day that eight new senators came in from across the way, all outstanding Canadians.

Senator Kelleher: Answer the question!

Senator Graham: We have a wonderful tradition of dealing with legislation, whether it be government legislation or bills introduced by opposition senators or those who sit on this side of the chamber. That particular piece of legislation will evolve in due course, as it should.

Senator Di Nino: Honourable senators, in applauding the skating skills and stickhandling skills of Frank Mahovlich during his great career as a hockey player — he was also a schoolmate of mine — I would add that I think the minister has done well at “skating.”

Will the minister give us the assurance that this bill will be dealt with by the Senate before we rise this week?

Senator Simard: Or next week!

Senator Graham: Honourable senators, any honourable senator is free to speak on Bill S-10 at any time. I heard the Deputy Leader of the Opposition say, “before we rise on Thursday.” Maybe he is giving us a message that we will give quick passage to the important government legislation that is before us. I see the Leader of the Opposition, who is presently sitting back in the third row, shaking his head, perhaps in disbelief at what we all heard from the Deputy Leader of the Opposition.

Bill S-10 is an important piece of legislation. Senator Di Nino has made an important contribution to that debate, as have other honourable senators. However, there may still be others who would wish to speak on it.

With respect to stickhandling, Frank Mahovlich only plays left-wing; I have to play centre and several other positions at the same time.

UNITED NATIONS

CONFLICT IN EAST TIMOR—POSSIBLE WITHDRAWAL
OF MISSION—USE OF RAPID READY FORCE FOR PROTECTION—
GOVERNMENT POSITION

Hon. Douglas Roche: Honourable senators, I direct my question to the Leader of the Government in the Senate.

The magnitude of the humanitarian crisis in East Timor is further demonstrated by the announcement that the United Nations will pull out its mission from East Timor, approximately 400 workers and their families, because Indonesia and martial law has not stopped the slaughter by the gangs of rampaging militia.

Can Canada show leadership in fulfilling its responsibilities as a member of the Security Council by working to save the UN's presence in East Timor by supporting the rapid introduction of a small, international force to guard the UN compound and ancillary site?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I accept the point being made by the Honourable Senator Roche.

• (1530)

Some of us have thought, over the years, that we should have a United Nations rapid-ready force to go into situations of that nature. However, I do not know that it would be possible unless we were invited by Indonesia to have the UN present under such circumstances. Early indications are that Indonesia itself would not accept such a force.

With respect to the Security Council, Canada has consistently argued for the need to impress upon the Indonesian government its responsibility for maintaining peace and security in East Timor. This responsibility forms part of what we referred to yesterday as the May 5 agreement. It includes protection for the UN personnel as well as for the people of East Timor.

As I understand it, the United Nations officials are safe for the moment within the compound in the capital. I was asked yesterday how many Canadians are present. I believe the number is five, two RCMP officials and three Canadians who are serving the United Nations directly.

Senator Roche: I thank the minister for his answer but I respectfully draw to his attention that it is not a question of Indonesia inviting in the foreign presence inasmuch as the United Nations has never accepted the Indonesian annexation of East Timor. In international eyes, the UN is in a controlling situation.

In that respect, I ask if the minister has had drawn to his attention the editorial in the *Irish Times* of today which makes the point that the 15 members of the Security Council, including Canada, all bear responsibility for the abandonment of the people of East Timor, who were promised freedom and protection following a successful referendum.

In that context, has the Leader of the Government in the Senate yet seen the statement by Bishop Belo, the Noble laureate and spiritual leader of East Timor who was driven into exile in Australia? Bishop Belo has called on all world leaders, of which Canada is one, to act to stop the killing in the ravaged territory.

Senator Graham: Honourable senators, I regret that I have not yet seen that statement. I shall look into it and ask that it be given to me as soon as possible. I should add that the Security Council of the United Nations has sent a delegation of representatives to Jakarta to discuss with the Government of Indonesia concrete steps to allow the implementation of the ballot results. The people of East Timor are not being allowed to exercise their democratic rights, the rights for which they voted presumably with the blessing of the Indonesian government.

The UN delegation, I understand, has met with the foreign minister and the Canadian embassy. Tomorrow a meeting is scheduled with President Habibie, with the opposition leader and possibly with General Wiranto, the head of Indonesia's military.

I assure Senator Roche and all honourable senators that Canada is doing whatever it possibly can and is urging the United Nations Security Council to act and hopefully to act soon.

[Translation]

FOREIGN AFFAIRS

CONFLICT IN EAST TIMOR—POSSIBILITY OF SANCTIONS AGAINST INDONESIA—GOVERNMENT POSITION

Hon. Pierre Claude Nolin: Honourable senators, yesterday I asked the Leader of the Government to explain to us why the Minister of Foreign Affairs had said it would be an error for Canada to impose sanctions against Indonesia. Since the leader asked for time to obtain clarification, is he in a position to reply today?

[English]

Senator Graham: Honourable senators, I have no formal answer but I believe that the Foreign Affairs Minister said it would be an error because it would not be getting at the root problem. We are not giving aid directly to the Indonesian government but to the poorer sectors of society in that part of the world. Sanctions would have an adverse effect on the poorest people of that nation. That is why Minister Axworthy made the statement that he did.

[Translation]

Senator Nolin: I would like to remind the Leader of the Government that, about ten years ago, when the Commonwealth was looking at ways of making the South Africans understand that they were acting in an unacceptable way, Canada imposed sanctions, and they worked. Could you consult your colleague the Minister of Foreign Affairs in order to understand why it would be an error for Canada to impose sanctions against Indonesia?

[English]

Senator Graham: Honourable senators, the circumstances were quite different because there were more extensive economic relations between South Africa, Canada and other countries at that time. I remember very well having discussions with then

foreign affairs minister Joe Clark when he returned from meeting Nelson Mandela shortly after Mr. Mandela was released from prison. Minister Clark asked a small group of us to help raise money for democratic education in South Africa. I also recall very well the pivotal role played by Prime Minister Mulroney in convincing Prime Minister Thatcher and the President of the United States that there had to be sanctions.

Without trying to gild the lily, I wrote in a book of mine that, with respect to international affairs, historians might even say that this would probably go down as Prime Minister Mulroney's finest contribution or his finest hour.

The circumstances in Indonesia are quite different with respect to sanctions which might be imposed because the aid is directed heavily to NGOs.

POST-SECONDARY EDUCATION

MILLENNIUM SCHOLARSHIP FOUNDATION—COMMENCEMENT OF ISSUING GRANTS—GOVERNMENT POSITION

Hon. Ethel Cochrane: Honourable senators, post-secondary students are returning to classes at universities and colleges across Canada this week. Hundreds of thousands of them will be forced to take out more student loans to pay their tuition. Why does the government continue to refuse to give any scholarships to post-secondary students even though money was set aside for those scholarships in the millennium fund two years ago?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I explained this matter on an earlier occasion. I congratulate Senator Cochrane again for raising this subject. She was and continues to be an educator. The millennium scholarship fund is just that — \$2.5 billion set aside for 100,000 scholarships over a 10-year period. I understand that agreements have been signed with one territory and with all of the provinces except Newfoundland and Quebec. I understand there are only two issues presently outstanding with Quebec, and it is hoped that those will be resolved at an early date.

• (1540)

THE SENATE

OUTSTANDING ANSWER TO ORDER PAPER QUESTION

Hon. Marjory LeBreton: Honourable senators, I should like to enquire when the government might get around to answering a question I put on the Order Paper on November 17 of last year. I do not want to see Question 135 die on the Order Paper at the end of next week.

The question refers to the government's contract with BMCI Consulting Inc. Could the house leader advise when I might expect an answer to this question?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I will make inquiries as soon as I leave the chamber. I hope an answer will be forthcoming shortly.

ORDERS OF THE DAY

PUBLIC SECTOR PENSION INVESTMENT BOARD BILL

THIRD READING—DEBATE ADJOURNED

Hon. Michael Kirby moved third reading of Bill C-78, to establish the Public Sector Pension Investment Board, to amend the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the Royal Canadian Mounted Police Superannuation Act, the Defence Services Pension Continuation Act, the Royal Canadian Mounted Police Pension Continuation Act, the Members of Parliament Retiring Allowances Act and the Canada Post Corporation Act and to make a consequential amendment to another Act.

He said: Honourable senators, before I begin my remarks on Bill C-78, I would draw senators' attention to the fact that yesterday a document was distributed to all senators entitled the twenty-eighth report of the Standing Senate Committee on Banking, Trade and Commerce on Bill C-78. The document that was distributed to everyone has, in fact, two pages missing from it. I have had a revised copy of the document distributed to everyone's office today.

The *Journals of the Senate* of yesterday, however, is correct and does have the complete copy of the observations. It was appended. One page of the observations, printed on both sides, was missing from that document. I say that because some senators may wonder why they received a second copy this morning. They were sent this copy as soon as it was drawn to my attention that whoever is responsible for printing did not print it properly.

I will now turn to some general comments on Bill C-78, before addressing a number of issues that have been of concern to members of the committee and many members of this chamber.

As all senators are aware, this bill contains a number of major amendments to public service pension plans; amendments that are inherently aimed at improving the financial management of the plans and ensuring their long-term sustainability. These amendments not only include many technical changes, some of which I will comment on in detail, but they also include changes in relation to the way contribution rates are set, improvements in employees' pension benefits, and changes to the way the plan is managed.

First and most important, let me state that the benefits to which the government employees contributed during their careers continue to be fully guaranteed by this plan. The government pension plan is a defined benefit plan. The benefits which every employee of the government, both already retired and still working, expects to be able to receive or now receiving

are fully guaranteed and maintained and, indeed, in several cases actually improved by this plan.

These plans are among the best in the country. They provide defined benefits which offer inflation protection. It is worth noting that inflation protection is contained in less than 10 per cent of employer-sponsored pension plans in Canada. In addition, the current plans involve employees contributing less than 40 per cent — actually, a number closer to 30 per cent today — of the cost of the plan, which is a significantly smaller percentage than in most private sector plans.

In order to ensure the long-term financial stability of the federal pension plan, Bill C-78 creates an independent public sector pension investment board that will invest future contributions from both the employee and the employer in financial markets with a view to achieving maximum gain without undue risk. This plan's management structure will be accountable to government, employees, retirees, and Parliament in a way explained in the bill.

Senators should also be aware that this bill includes a series of technical changes to improve other benefits linked to federal pension plans. Let me illustrate with a few examples. The supplementary death benefits plan will double to \$10,000 from the existing amount once the recipient reaches 65. In addition, the death benefit will not begin to phase out until age 65, so that it will be effective now until age 75 rather than age 70.

Second, the premium paid for supplementary death benefits will be reduced by 25 per cent, so supplementary death benefits will be cheaper for people subject to these pension plans.

Third, Bill C-78 extends survivors benefits to same-sex partners of pension plan contributors. This would bring the public sector service plans in line with a number of recent decisions rendered by the courts.

Finally, this bill will also establish a separate pension plan for Canada Post employees so that Canada Post can manage its own pension plan just as all other major private sector companies do and, indeed, as do all other major Crown corporations.

Let me turn for a few moments to the issue of the governance of the board, that is, the board governance structure that will manage the money invested in this pension plan by both the employer, the government in this case, and the employees.

Prior to tabling this bill, the government tried to reach an agreement on a joint management and risk-sharing agreement with employee representatives. Such an agreement would deal with the distribution of future surpluses in the plan and, indeed, future deficits if they arise. Unfortunately, as evidence before the committee in both June and August indicated, a final agreement on what a joint management framework would consist of was never reached. The agreement in principle was reached, but the details of an agreement were not.

Senator Stratton joined the committee for these hearings because this was an issue in which he was very interested, and he did an excellent job in asking witnesses questions. He, along with a number of other Banking Committee members, expressed concerns about the governance provisions of the investment board contained in Bill C-78. These criticisms, which I will not review here, were reflected in the observations that we tabled in June and were attached as an appendix to the observations contained in the report that I tabled in this chamber yesterday.

Nevertheless, given these criticisms, and given the fact that a joint management framework was never formally agreed to by both the unions and the employer, the committee came to the conclusion that the best way to handle it was to encourage the stakeholders to return to the bargaining table to negotiate the final terms of a joint management board and risk-sharing agreement. Our view was that, if those negotiations could be completed, then it would be possible to include in the bill the kind of governance structure that we wanted.

Honourable senators, we had hoped that this would happen over the summer. That is the primary reason the Senate agreed to send the bill back to committee during the summer. Unfortunately, the jam that had existed since December of 1998 continued to exist through the summer, largely because both sides attempted to impose a pre-condition on the negotiations. The union insisted that, yes, they wanted to sit down and discuss a joint management agreement, but that they would do so only if the issue of the disposition of the current pension fund surplus was on the table. The government said that, yes, they wanted to negotiate a joint management agreement with the unions, but that they would do so only if the question of the existing pension surplus was not on the table. Effectively, one side imposed a condition that an issue had to be on the table, and the other side imposed a pre-condition that that issue could not possibly be on the table. As a result, no meaningful negotiation, in fact, no negotiations at all on that subject, took place over the summer. As a result, I can add nothing to the comments I made in June respecting changes in the joint management and risk-sharing plan because there have been no changes.

The fact is that the bill does set up the pension investment board. Its role will be to invest future contributions to the pension plan. The board will be independent of the government and plan members but will be accountable to Parliament so that in fact we will have a way of overseeing the quality of its investment decisions. The board will be selected with input from plan members as well as the government, with plan members having the right to put forward nominations to the nominating committee. The board will be subject to strict conflict of interest provisions, a code of conduct which will require it to disclose its government practices, investment policies and other financial statements.

• (1550)

While we would much prefer to have had in this legislation the joint management agreement, neither side was able or willing to

get to the table for the discussions. Thus, on the joint management and risk sharing issue, we are left with the plan exactly as it was in June.

The second issue of concern to the committee, and many of the witnesses who came before it — and I know it is of concern to a number of our colleagues on both sides of this chamber — is the issue of the distribution of the current surplus. The existing legislation provides mechanisms to manage plan deficits but not to manage any surpluses that accumulate. The existing legislation requires the government, and therefore taxpayers, to cover all deficits, as the government has done from time to time over the years, having covered somewhere over \$11 billion worth of deficits since the plan began some 40 years ago.

Indeed, honourable senators, one of the principal arguments in favour of the government having the right to the current surplus is the fact that, historically, the government has been responsible for deficits in the plan. None of those shortfalls have been paid by employees. Therefore, as the group responsible for covering the deficits, it seems only reasonable that they should also be responsible in cases where there is a surplus.

Yet, during our hearings on this bill, all the public service unions and retiree associations voiced their opposition to the government's entitlement to this current surplus. A minority of Banking Committee members, as our report makes clear, agree with this position, as I am sure we will hear from some of the speakers opposite. They take the position that the fact that the government has assumed all the risk in the past does not necessarily entitle them to the surplus.

This minority of committee members — composed essentially of members opposite — believe that the government has never assumed 100 per cent of the plan risk. In support of this claim, they argue that there have been increases in contributions from plan members, and that these increases in contributions could be, in some way, attributed to having offset previous plan deficits. They say this in spite of the fact that the increases occurred in times which were quite different from the times when the plans were in deficit.

I have difficulty with this notion for a number of reasons. The first is that the existing legislation clearly places the burden of deficits on the government and not on the employees. The second is that the contribution rate increases that have been called into question do not accord with reality. From 1974 to 1991, nearly 90 per cent of the cost of indexation, an amount of \$8 billion to \$9 billion, was paid by Canadian taxpayers through the government from the Consolidated Revenue Fund.

Further, Bill C-78 limits the government's ability to implement contribution rate increases in the future. Indeed, under this legislation, the plan will freeze current public service contribution rates until 2003. In 2004, the government may gradually increase contributions to public sector pension plans, but any such increase is limited to, at most, four-tenths of 1 per cent of earnings during any given year.

I look forward to hearing the speeches of Senators Tkachuk, Stratton, Kelleher and others who, I am sure, will set out the logic that leads them to the conclusion that, given the history of this legislation, the surplus does not automatically belong, as it would in any corresponding private sector situation, to the employer.

Finally, with respect to the surplus, several people have commented that the government was not complying with the Pension Benefits Standards Act. The fact is that the Pension Benefits Standards Act sets out a process requiring consultation between an employer and employees only when the employer does not have clear entitlement to the surplus. The government believes it has entitlement to the surplus. In any event, it is an issue which will be resolved in the courts. Therefore, the government believes, as do a majority of members of the committee, that the government is complying with the provisions of the Pension Benefits Standards Act.

The other issue that arose in connection with the surplus issue has to do with why the government needs legislation concerning the surplus if it is confident that it is entitled to it. The reality is that this bill does not directly create any legal entitlement to the surplus. It delineates options for managing the surplus on the basis of both expert pension opinion given before the committee and legal opinion. In fact, the bill does not create an entitlement to the surplus. The bill states that, over time, there can be a gradual reduction of existing surpluses over a period of up to 15 years. There are a range of options presented in the bill for dealing with this surplus, including contribution holidays for the employees and the employer, or both, as well as for contribution reductions for the employees and the employer, or both. It is clear that the issue of the government's entitlement to the surplus will be tested in court. That has been made clear from the hearings and comments from witnesses. This bill will leave the issue of whether the employer is entitled to the surplus in the hands of the courts.

I have already commented on the issue of joint management and, frankly, the committee's disappointment that more progress was not made in that area this summer. The other area about which all members of the committee were unanimous was our disappointment — which is an understatement; the word we used in our observations in the report was "outrage" — by the lack of consultation with the RCMP and the Armed Forces. As most honourable senators know, the RCMP and the Armed Forces are not allowed by law to unionize. Therefore, their pension plans are dealt with through employee associations. They are not separate pension plans in the sense that they contain separate funds. However, over the years, they have had pensions comparable to those in the public service. Nevertheless, it seemed to all members of the committee that if one is to introduce a bill changing pension plans for public servants, and by implication changing them also for the RCMP and the Armed Forces, then consultation should have been held with those employee associations. This was not done.

The committee was concerned that part-time members of the RCMP ought to be included in pension and superannuation plans, which they are not now. Our views on this stem from the fact that part-time employees of the public service are included in the public service plan. Sheer equity says that the same criteria ought to apply with respect to the RCMP and the Armed Forces. We have been assured that discussions with the RCMP and the Armed Forces personnel associations are about to be undertaken. The committee indicated in its observations, as well as to witnesses when they appeared before the committee, that we would be watching those negotiations very closely. We are concerned that the employees of the RCMP and the Armed Forces be treated fairly in comparison with employees of the public service, who are members of the same pension plan.

The other big change which will occur is to the Canada Post pension plan. The Canada Post plan would come into effect on October 1, 2000. It would reflect similar amendments to the Public Service Superannuation Act that are contained in Bill C-78. These changes to the Canada Post pension plan are necessary for a strange reason. It turns out that when Canada Post became an independent Crown corporation and was no longer a department of government, the pension plan for employees was funded as follows: The employees put in an amount, which was matched by Canada Post, and the government made up the rest. In round numbers, 30 per cent came from employees, 30 per cent came from the employer, and 40 per cent came from the government. The result was that the government was explicitly subsidizing the cost of the Canada Post pension plan.

• (1600)

This bill takes that subsidy away by giving the corporation a year in which to get itself in a position to manage its own pension plan and, indeed, pay the full cost of that pension plan. Nevertheless, the bill makes clear that payouts to Canada Post employees under their pension will remain as they are now; that the employees do not lose anything. The issue here is the employer paying the full cost of the pension plan and not having the employer's share of the pension plan subsidized by the taxpayers through a contribution from the government.

Another issue that was raised originally by Senator Lawson, and also by Senator Mahovlich and a few other honourable senators during the discussion that we had in this chamber in June, was the issue of pension plans as a trust. The issue was whether or not access to the surplus was different in the case of the public service pension plan from, for example, the NHL players' pension plan, or as a more current example that one might use the CMHC pension plan. The fundamental difference is as follows: In the NHL case and in the CMHC case, pension plans are set up as a trust. That is to say, the funds are put into a trust fund where the employer holds the contribution in trust for the players as beneficiaries.

In the case of the federal public service pension plan, that is not a trust. In fact, there is no fund. Essentially, the individual employees make their contributions, those contributions go into the Consolidated Revenue Fund, and then the government pays pensions out of the Consolidated Revenue Fund as an operating expense. Although we have talked about the pension fund, the reality is that, in the case of the federal government and, historically, in the case of most provincial governments, there never has been an actual fund in and of itself. Therefore, the public service pension plan, as it exists today, is not a trust fund; it is not even a fund. It is certainly not a trust fund such as the NHL example, or the CMHC example.

Indeed, in the case of trust funds, it is often not true that they apply to defined benefit plans. Even in the case of a trust fund which does apply to a defined benefit plan, that trust issue is not applicable in this case because there was no trust document, and there has never been an actual fund. It has essentially been an accounting transaction which put on the books of the federal government a liability, as forecasted by actuaries, based on assumed rates of inflation, age of employees, average salaries, and so on.

Finally, the last issue, on which there were many questions when I spoke in June, dealt with the extension of survivors' benefits. Senators Cools, Taylor, Prud'homme and several other senators raised issues related to this. I will summarize that issue a little more succinctly than I did in June.

In relation to the extension of survivors' benefits to same-sex partners, the government is attempting to comply with recent court decisions, including the Supreme Court decision in the *M. v. H.* case, and the Federal Court decision in the *Moore and Akerstrom* case. While we may not all agree with this fundamental change, namely that same-sex couples are entitled to survivors' benefits, we clearly must pass legislation which respects these decisions of the court. The courts have made clear that the issue of having different survivors' benefits based on sexual orientation is, in fact, an issue of discrimination, and the Federal Court has ruled specifically in relation to the benefits enjoyed by members of the federal public service.

In a sense, what this bill does is in accordance with the decision in the more recent *Moore and Akerstrom* case, where the Federal Court ruled that Treasury Board, as the employer, was to extend benefits to same-sex partners in the same manner as it did to opposite sex partners living in a common law relationship. The Treasury Board could not create a separate category for same-sex partners because that would amount to perpetuating harmful stereotypes and discrimination on the basis of sexual orientation. That, I believe, underlies the rationale for that part of the bill.

The other issue which has been raised in connection with this part of the bill is whether survivors' benefits should also apply in cases of dependent relationships: sister to sister, brother to brother, someone looking after a mother, and so on. In other words, should there not really be a clause which provides survivors' benefits to dependants in general, entirely independent of the nature of the relationship.

The new President of Treasury Board responded to that question in some detail in testimony before the committee a couple of weeks ago. What the minister agreed to, at the urging of all members of the committee was a detailed analysis of the consequences and costs of that kind of a change, and that that type of study would be undertaken by Treasury Board.

The committee members indicated very clearly to the minister, and we say so very clearly in the observations attached to this bill, that we will be monitoring the government's work in that area quite carefully because we want that issue to be dealt with quickly, since we feel it is important.

Honourable senators, in winding up, I will make the observation that this bill has come under close scrutiny. We had a set of hearings in June, and another set in August. There are still some significant differences on both sides of the chamber on a limited number of issues, specifically the surplus issue. On a substantial number of other issues, both sides of the chamber, I believe, are in agreement that the bill makes progress in some areas, but not as much progress as we would have liked to see in other areas, such as the joint management plan, but that our disagreements over the bill are really limited to one or two issues.

A majority of the committee members, essentially those on this side, believe that, on balance, this is a good piece of legislation. We would like more in the bill, obviously. In particular, we would like to see the joint management plan in effect. We hope that those negotiations proceed quickly, and in the way in which both sides have said they will proceed, and we will hold the minister to her commitment that as soon as those negotiations are completed, changes will be made in the act which will implement them immediately.

While this is not a perfect bill, honourable senators, I do believe that it is, on balance, a good first step. It is not the last step but a good first step; therefore, it is deserving of the support of the members of this chamber.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I should like to put a question to Senator Kirby. The honourable senator said something which to me is new, and corrects an impression which I have had regarding the status of the surplus in this bill. I was under the impression that this bill would confirm the government's ownership of that surplus. I understood you to say that the bill does not confirm the employer's ownership, and that it is left up to the courts to decide on the question. Did I hear you correctly?

Senator Kirby: The honourable senator did hear me correctly. I believe if you check the bill, Senator Lynch-Staunton, you will find that the bill does not, in essence, say that the government owns the surplus. In that sense, the bill does not create an entitlement. The government believes it is entitled to the surplus. The bill deals with the question of the allocation of the surplus or, if you want, the use of the existing surplus, and puts forward two different proposals, one of which is a slow, "phase out over time" proposal.

I see one of the lawyers on the other side is beginning to have some questions as to whether I am right or wrong, and I am happy to debate that point with him. Senator Oliver seemed to be about to say that, but the short answer to your question is yes, you heard me right.

Senator Lynch-Staunton: Is the answer yes or no? Is the \$30 billion, which is the subject of great dispute between the Public Service Alliance and the government, resolved in this bill, or is it still left up in the air?

Senator Kirby: I wish to come back to the premise of your question for a minute. However, I will try to answer your question directly.

• (1610)

It is my understanding that this issue is not settled. Indeed, the unions told us in testimony that the matter would still be taken to court. That is the first point.

Second, I wish to be clear when we talk about the surplus. The surplus in this plan is different from the surplus in a case where you had an actual fund.

Essentially, what happened was the following: Actuaries forecast the liability the employer would have as a result of employees retiring in the future. An actuary's forecast is based on a whole series of assumptions. The two key assumptions are inflation rate and salary changes, salary changes and inflation rate often being related.

The reality is that, over a long period of time, if you look back at the high inflation rates of particularly the late 1980s, you find that the inflation rate and therefore salary increases were fairly substantial. Forecasts made by actuaries under those circumstances indicated that the government would incur a very high liability down the road.

Early in the 1990s, two things happened. First, civil service salaries were frozen so that the actuaries' forecast of the rate of increase of salaries was too high; and, second, the rate of inflation dropped.

Therefore, actuaries have indicated that there is a liability, but that the liability shown by the government on its books as a liability for the pension plan is not nearly as great a liability as was originally forecast. They have changed their assumptions as the rate of inflation has come down. There was also a period of time through much of the 1990s in which civil service salaries, if they were changing at all, were changing very little in comparison to the rate at which they were changing in the 1980s when the original assumptions were made.

Fundamentally, we are dealing with what one would view as an accounting entry. All that happens is that the liability shows on the books of the government as a liability.

What one is dealing with when one speaks about a surplus is, I admit, reducing the size of the liability which increases the net bottom line. That is what we are dealing with. It is not an actual pot of money out of which someone is physically taking money. We are dealing with an accounting and an actuarial issue.

Senator Lynch-Staunton: I am aware of the nature of the \$30 billion. It is not \$30 billion in the bank; it is a notional figure.

However, I believe that other unions have already commenced an action in court regarding another pension surplus or pension surpluses. Is that correct or incorrect?

Senator Kirby: I believe that is incorrect. The two cases now before the courts are not related to the surplus; they are related to the assumptions that have been used in forecasting the rate of inflation and the salary increases. The two cases now before the courts are not directly related to the surplus question. I am looking at Senators Meighen and Oliver, who were with me. I believe that is what the lawyers for the unions said. That is certainly what the lawyers for the government said. I see they are nodding, if that helps.

Senator Lynch-Staunton: I would set aside those court cases, but, again, I would like to have a precise answer, perhaps from this side if not from the other side, as to how this bill affects the \$30-billion surplus.

If it is up to the courts to decide on the issue of ownership, whether it should be shared or be sole ownership, why has the government refused to sit down with the unions to talk about a joint management program, if the courts will decide the most litigious question in the long run?

Senator Kirby: One would have to pose that question directly to the minister. However, it is my understanding that the government holds the view that it is entitled to the surplus. The government believes it owns the surplus and it is not prepared to negotiate that question.

In a letter to the minister on June 28, give or take a day, the committee that negotiates on behalf of the union wrote the minister, the then President of the Treasury Board, and indicated that, in order to enter into negotiations on the joint management board issue, the issue of the pension surplus had to be on table. The government has said from day one, I gather, in these negotiations that the issue was not to be on the table because they believe they own it.

Senator Lynch-Staunton: If it is up to the courts, in the long run, to decide this issue, is there anything in this bill regarding the \$30-billion surplus which would inhibit the claimant to it in his proceedings before the court, or give direction to the judge as to how that surplus might be disposed of? Is there anything in the bill which would affect the rights of the plaintiff in making its case before the court to the advantage of the Crown which claims the surplus?

Senator Kirby: It is my understanding, based on testimony before the committee, that the issue of entitlement to the surplus is not affected by this bill. This bill does affect how the surplus can be used if the government is given entitlement to the surplus, in the sense that it precisely specifies what options are available to the government to make use of the surplus, if the government owns it. It does not, however, deal directly with the question of the entitlement to the surplus. That issue was very clear in testimony from government lawyers, both in June and again 10 days ago, when last we met.

I believe that answers your question directly.

Senator Lynch-Staunton: The second question flows from the first. Can we have some assurance that there is nothing in the bill which would prejudice a claimant other than the Crown to the surplus, or favour the Crown in the dispute before the courts?

Senator Kirby: It is my understanding that that is the case. It does not prejudice the outcome the court case.

Hon. Douglas Roche: Honourable senators, in paying respect to Senator Kirby and Senator Tkachuk, as chairman and deputy chairman of the committee for their leadership in this complex legislation, I ask this question as one who did not participate in the committee study but who must decide how to vote on third reading.

Can Senator Kirby tell us why no amendments were brought back to the Senate following the committee's study? Correct me if I am wrong, but I took it as implicit in the vote of the Senate last June to send this bill back to committee that there was something wrong with the bill and that it needed some improvement. That is why we sent it back. If I am not mistaken, the bill that has been returned to the Senate is precisely the same bill.

I want to know why the committee is reporting the bill without amendment when Senator Kirby has pointed out that there have been no negotiations to reach a joint management agreement. A potentially very serious situation for the future exists as a result of this stalemate. Should we not propose that the legislation be strengthened to deal with what we now see as a stalemate, and to resolve a situation that could be much worse down the road?

Senator Kirby: I am not quite sure I get the last part. Senator Roche is right in the sense that both sides would agree that we would have loved to have put into this legislation a joint management and risk sharing agreement, had the two sides been willing to agree. We were not prepared to impose one. Obviously, we would not specify what the risk sharing agreement or the joint management agreement should look like.

The committee was optimistic that, over the summer, the two parties would get together and finalize details on something to which there has only been agreement in principle. That did not happen.

I think the one item all of us would agree on, is that we should not impose a particular joint management or risk sharing

agreement on the two parties which would be the effect of us introducing amendments the basis of which would not have been negotiated by the employees and employer.

• (1620)

We were left in the quandary of wanting to make changes, but only wanting to make changes if the two sides had agreed. They had not agreed to anything. That is why there are no amendments. At the beginning of the summer, in private conversations among committee members, we had hoped that adding the pressure of time might lead to an agreement. Unfortunately, it did not.

Hon. David Tkachuk: Honourable senators, I am sure Senator Kirby did not mean to forget to mention a particular letter and leave the wrong impression with honourable senators regarding the discussions we had hoped would take place.

Mr. Sjoquist sent a letter dated June 28, 1999, to the President of the Treasury Board who, at that time, was Mr. Massé. Mr. Sjoquist stated that, on behalf of the National Joint Council that governs their negotiations, they would have to discuss the surplus. I think all members of the committee will have to agree that, during the committee meeting, we had problems trying to get an answer from the minister concerning whether he sent a letter to the same Mr. Sjoquist.

Then, on August 4, Mr. Sjoquist sent a letter to the new President of the Treasury Board, Ms Robillard, stating that he would agree to meet. He wrote:

On June 28th, I replied negatively to a request from the Hon. Marcel Massé to engage in further discussion because of his requirement of a pre-condition that the issue of pension surplus could not be on the agenda.

Nevertheless, I am sure that pension reform continues to be high on the priorities of the Federal Government and yourself as Minister. Therefore, I would respectfully urge you to convene a meeting of the Public Service Pension Consultative Committee without pre-conditions so as all parties are free to address any issues considered outstanding.

That was a problem in the committee meetings. The minister kept going back to the June 28 letter and refused to attend to the August 4 letter.

Perhaps my honourable friend could enlighten us as to why nothing happened after the August 4 letter and after those preconditions were eradicated both by Mr. Sjoquist and by Mr. Bean?

Senator Kirby: I am not sure why nothing happened, other than the fact that there was a cabinet shuffle and a new minister was appointed. We were then 10 days or two weeks away from our hearings. The time schedule for the hearings had been set by the Senate in June.

My friend is quite right that there was a change in the union position between the end of June and the beginning of August. Mr. Daryl Bean, president of the public service union, made the observation that there was no way an agreement would be reached on the joint management board until the issue of the current surplus had been dealt with. There was some confusion from both sides as to what happened. It appears that a combination of the unions changing their position in August from what it had been in June, and the change of the minister, and the view that the government was still not prepared to negotiate the surplus, led to no negotiations taking place. Indeed, to the best of my knowledge, they still have not taken place.

I wish to clarify something so there is no confusion at all with respect to Senator Lynch-Staunton's question. The staff members who worked on this with me will confirm what I said a moment ago in response to Senator Lynch-Staunton's question. This bill does not affect in any way, shape or form the issue of the entitlement to the existing surplus. That has been confirmed by the lawyers who have been working on this issue by way of a note to me.

The two cases are before the court. I was wrong in stating that they deal with the government's forecast. In a sense that is right. They deal with the accounting principles currently being used regarding the surplus, but they do not deal with the ownership question.

Hon. Michael A. Meighen: Honourable senators, perhaps Senator Kirby could repeat what he just said because it is at the core of the major concern of all members of the committee. I think I heard the honourable senator say that the bill does not affect the rights of anyone in respect of their entitlement or lack thereof to the surplus.

Senator Kirby: That is what I said. I am quite happy to read the words that were sent down to me by the legal staff. This note states: "This bill will not affect the ownership of the PSSA existing surplus."

Senator Meighen: In effect, it would appear that the government is proceeding on that great old legal principle of possession being nine-tenths of the law. If you can get the surplus now and argue about it later, it is a heck of a lot better than putting it to one side and discussing it.

Senator Kirby: As a lawyer, I am sure that might well be the advice my honourable colleague would give one of his clients. I have always thought that not being a lawyer is one of my great blessings.

I think the government is simply proceeding on the assumption that they own the surplus. The bill states that, assuming they own it, this is how they can handle it. However, the issue of whether they own it — and this has been made clear by the union — will ultimately be settled by the courts.

The Hon. the Speaker: Before the Honourable Senator Oliver proceeds, I would inform honourable senators that the 45-minute period has expired.

Is leave granted to continue, honourable senators?

Hon. Senators: Agreed.

Hon. Donald H. Oliver: Honourable senators, I have three simple questions.

First, when we were at our last committee hearing, one of the witnesses — I believe it was Mr. Daryl Bean — said that he had received a letter from the minister suggesting that they have a meeting to discuss the joint management framework and other matters on September 1 of this year. Could the honourable senator tell us whether that meeting took place? If it did take place, was joint management discussed, and how far did the negotiations go?

Second, the honourable senator talked about the joint management framework and the risk-sharing plans, but he said that, regretfully, there was no agreement. He mentioned that we are talking about a \$30-billion surplus. He also indicated in his remarks today that it is clear from the evidence before the committee that the government funded an \$11-billion shortfall. If we take the current surplus at \$30 billion and take away the \$11-billion shortfall, my math indicates that \$19 billion remains. Why not share that \$19 billion with those who have paid the premiums?

My third question deals with the language my honourable friend used in his speech. I wrote it down. He said, "The bill does not create an entitlement to surplus." He then went on to say that it merely outlines the way the government can deal with it. If it outlines the way the government can deal with the surplus, is that not implicitly saying that there is, in fact, an entitlement?

Senator Kirby: On the first question, I do not know if there was a meeting on September 1 between the minister and Mr. Daryl Bean. I would be pleased to try to find out and supply an answer tomorrow. I know the letter to which my colleague refers. I simply do not know if the meeting took place. Therefore, I cannot answer the question about what happened.

I cannot quite remember the second question.

Senator Oliver: My second question concerned the \$30 billion and the \$11-billion shortfall that was funded.

Senator Kirby: The question, then, is who should be entitled to the \$19-billion surplus, not the \$30-billion surplus.

First, the surplus, in a sense, is "fictitious." The surplus does not exist in a fund. It exists by virtue of the way the accounting has been done, as I explained to Senator Lynch-Staunton.

Second, the government firmly believes it is entitled to the surplus, as other employees with defined benefit plans have been entitled to the surplus over the years. Therefore, the government is operating as if it simply believes it owns the surplus and has made a policy decision to, in your words, not share the surplus because of the fact that it has borne the risk.

What was your third question, senator?

Senator Oliver: My third question relates to your statement that the bill does not create an entitlement to the surplus.

• (1630)

Senator Kirby: The last thing I would want to do is comment on the legal implications of an act. I think the honourable senator is saying that if a bill states how the surplus should be handled, that implicitly gives you an entitlement. As a mathematician, as opposed to a lawyer, I would say, "No. It simply brings into question an assumption, that the people drafting the act assumed that they owned it and, therefore, they drafted the act accordingly." I do not think an assumption automatically generates an entitlement. If it did, Parliament would pass an awful lot of interesting pieces of legislation based on assumptions that you were entitled to something. Just as in mathematics you can prove the assumption is wrong, I would assume that you could make a similar ruling in a legal case.

I would have difficulty with the notion that an assumption by definition, which is what this is, creates an entitlement. However, there are many better lawyers in the chamber than I am, as I only pretend to be one.

Hon. Terry Stratton: Honourable senators, first, I wish to thank Senator Kirby for his kind complements about my attendance at the hearings.

Senator Kelleher raised a question with the minister during the last days of the hearings a couple of weeks ago concerning the morality of all this. He said that, while we can argue both sides of the issue here in a legal sense, the perception on the part of pensioners, in particular, is that they have been quite wrongfully dealt with. They feel quite angry and that they have been wrongly dealt with.

If there is a message to the other side, it is that they have badly handled that issue. The moral issue is staring you in the face. It must be staring at you on a day-to-day basis, because these people are very unhappy. Can the honourable senator explain to this chamber how you would explain away that sense of injustice?

Senator Kirby: Honourable senators, one cannot explain away that perception. I agree 100 per cent that that perception very much exists. Indeed, one often says in politics that the public's perception is reality. If that is the case, there certainly are unhappy people. That is clear not only from the petition that Senator Tkachuk tabled today but from the literally hundreds of letters which have been sent to my office and to the offices of a great many of my colleagues, in particular, those on the Banking Committee. It is also clear from the many comments made by witnesses.

This is simply a case where the government, as an employer — and, as other employers have done in other situations where the same perception has existed — has made a decision that, consistent with pension practice in the private sector as well as the public sector, it is entitled to this surplus. I use the word "surplus" in quotations because it is sort of fictitious. Nevertheless, the government is entitled to it. I understand the misperception that exists and the fact that many

people disagree with that position of the government. However, it seems to be a position which is defensible, both in terms of past practice vis-à-vis defined benefit plans and entitlement to the surplus. I think what the honourable senator is really saying is that it poses a significant political issue, and I fully understand that.

Hon. David Tkachuk: Honourable senators, I rise to speak on third reading of Bill C-78. Since we are being so gracious today, first, I should like to thank Senator Kirby, chairman of the committee, for allowing how the opposition minority felt regarding the bill to be placed in the main report so that we were not forced to have two reports. Many of the points that we raised, which were difficult questions, were supported by not only the minority members, the Conservative members, but also some of the Liberal members. Nonetheless, we are still here before you today dealing with this bill.

As the opposition party, we have had several problems with Bill C-78 from the outset. One of the main problems is: Who speaks for the pensioners? Who speaks for the people who are affected by this bill? Although this is not a trust agreement in the sense of a pension plan that has a trust, nonetheless, the government and the Treasury Board itself must act as a trustee and has an obligation to pay the pensions not only now but in the future. Yet, there they are, not only changing the way this pension will be governed but taking the \$30 billion. We do not believe this stuff about it being "non-existent." You see, a surplus does not exist but a deficit does. Is that not interesting?

We really have no surplus here. The President of the Treasury Board called the surplus simply "an overstatement of an actuarial liability." I then asked him, "A deficit must surely be an understatement of an actuarial asset, then, because when you are short of money you take it from somewhere. In this particular case, however, when you have more money than you need, it is not really a surplus but, rather, an accounting practice." They are not really taking the surplus.

The handling of Bill C-78 and Bill C-32 is testimony enough to the need to reform Parliament itself.

My objections to the substance of Bill C-78 are well stated in the speech that I gave on June 3 and in the speeches that other members on our side gave, in particular, Senator Stratton and Senator Kelleher. The exercise that we have followed since our motion in June is what I will dwell on today.

The motion that passed was based on what we believed to be a sincere desire of the government to make right what they admitted were serious flaws in the bill. We all know there are serious flaws in the bill. The minister knows there are flaws in the bill; the members opposite know there are serious flaws in the bill.

Our first concern has been the government's decision to claim the entire surplus in the public service pension plan in spite of the fact that 40 per cent of the money in that plan was taken from employee paycheques and in spite of the fact the government recently passed Bill S-3, the Pension Benefits Standards Act, taking an entirely different approach for the private sector.

Indeed, the government is taking a different approach to those whom it employs directly than for those whom it employs indirectly, namely, Crown corporations such as Canada Mortgage and Housing Corporation, which did have negotiations on how to dispose of the surplus, because they could have negotiations on how to dispose of the surplus.

Our second concern has been the governance of the plan. The plan should be jointly managed. Both sides were close to an agreement in December of 1998. As well, the governance rules set out in law must be strengthened to guide the selection work and oversight of a board that will, in time, be responsible for managing in excess of \$100 billion.

Our third concern has been over the government's approach to the same-sex survivor benefit issue. We would prefer that the government not proceed in a manner that will lead to a new court battle as lawyers argue the legal meaning of the term "conjugal relationship," in particular given that — and, I think the government has stated this — an omnibus bill is coming in this fall which will deal with this issue in all the acts of the government. We would prefer that the same consideration be given to other relationships where a dependency exists.

In June, the Banking Committee reported Bill C-78 with a number of observations concerning the bill. With the exception of the views of the majority on ownership of the surplus, these observations reflected our concerns. In his response to our report, the former President of the Treasury Board wrote to Senator Kirby, chairman of the Senate Banking Committee, and said.

I hope that you will convey to the Committee the government's sincere intention to undertake whatever measures are necessary to ensure that discussions with employee and pensioner representatives are re-established as soon as possible with a view to achieving a joint management arrangement in the future.

• (1640)

The key words are:

...government's sincere intention to undertake whatever measures are necessary...

Honourable senators, if the government were sincere, then should this bill not be put on hold since it will need to be amended in any event a short time from now in order to create a jointly managed board.

Last June, we believed the government's sincerity. Instead of voting to pass the bill, we presented a motion to return the bill to committee, and to enable the government and affected unions to discuss joint management.

On June 17, a motion was passed that this bill:

...be not now read the third time but that it be referred back to the Standing Senate Committee on Banking, Trade and Commerce so that the Committee may monitor discussions

between Treasury Board and affected unions over matters contained in the letter of the President of Treasury Board referred to in the report of the Standing Senate Committee on Banking, Trade and Commerce on Bill C-78; and

That the Committee report back to the Senate no later than September 7, 1999.

We did that because the minister said that he would act. We were not acting under a false assumption. We have a letter which was tabled with the report saying that he would act.

Honourable senators, the committee has reported. While we have made a number of additional recommendations, no action was taken. There has been no progress over the summer. Nothing has been achieved.

It seems that the unions do not get it. It seems that the unions do not want to give up their right to the surplus. What union leader will enter the negotiating room offering to give up \$30 billion? Does any minister of the Crown believe, in his wildest dreams, that a union leader will say such a thing before walking into the negotiating room? That is why the minister used those words, giving us such consolation and promising to undertake whatever measures are necessary. That is why he used those words.

I believe, though other senators may not, that the government knew from the very beginning that they were blowing smoke. They were not interested in meeting with the unions. They were trying to ram this bill through in order to pick up the \$30 billion, to erase the liability and make that total debt load look good for Minister Martin in his next financial statement.

Daryl Bean told us something during our hearings that is very upsetting if it is true, and I have no reason to believe that it is not: Almost immediately after the motion was passed, Mr. Bean received a phone call from Treasury Board; it was from an unnamed senior government official who unofficially advised him that Treasury Board had no intention of meeting, and would wait out the summer in the expectation that a final vote would be held by a reconfigured Senate in early September, at which time the government's position would prevail. That is what Mr. Bean recounted to us. I have no reason not to believe him. I think this is clearly contempt. Such an attitude holds Parliament in contempt, and the Senate, in particular. All of us on both sides of this chamber should be upset about that action.

Mr. Bean did offer to resume negotiations without any pre-conditions in August. The government chose not to accept that. Mr. Sjoquist did offer to resume negotiations without any pre-conditions on the surplus. Nothing happened.

I do not believe that the appointment of a new minister kept things from happening. Surely someone could have picked up the phone, even in the month before, and suggested the beginning of discussions by not talking about any of these issues and then see what would happen. That would have been a very simple thing to do.

This motion of Parliament was ignored by a minister of the Crown. How can democracy work when we do that? Democracy works because we respect each other. That is why they are having all that trouble in East Timor. They have voted, but some people do not care about the vote. They shoot people who disagree. Here we approve motions in our house of Parliament. Surely we expect more reaction from the minister than what we got over the summer months. We expect more from the government than we got over the summer months.

I know some members opposite are a little uneasy about what has transpired, particularly those on the Banking Committee who know what happened. Not only has the government failed to meet with plan members but, from the evidence we heard during our August hearings, the government intends to ignore the Banking Committee's report and the minister's comments in other areas. We did ask about the auditor, and disclosure items, and those other areas. I do not believe the government has any intention of incorporating those issues into the new negotiations that will take place.

We named specific recommendations on specific issues and we were ignored. The minister, the former and the current ministers saw the first 28 pages and did not like them. The first 28 pages govern the management of the pension plan. The minister told us she wants to begin negotiations to change the bill. Why would we pass a bill and then immediately change it? If we are passing a bill into law, why would we meet in the next week to talk about revising the law?

I do not speak for all senators on this side, but I personally do not believe that what this bill is about is the first 28 pages. It is about the non-existent surplus of \$30 billion.

Why would we, as a Senate, pass a bill that the executive of the government says it will change immediately following its passing? Why would we do that? Why would we set up an administration which will not last more than a few months? Why would Liberal senators go along with that?

The government's failure to consult the RCMP and the military was a further issue raised by our committee. On June 25, following the Senate vote, Mr. Massé indicated in a letter to Senator Kirby that he would write to the Minister of Defence and the Solicitor General asking them to proceed with a consultation process on pension matters as soon as possible. Once again, zero progress has been made. Instead we are being told, in the words of the minister, to pass the legislation so that we will be able to do the job afterwards.

You must wonder why the government wants to wait until after all the decisions have been made and the bill is law before talking to the RCMP and military about their pension plans. How much money will be wasted in setting up an administration that may never oversee the investment of a dime because it will be replaced, one year from now, by something else? We know how long it took them to set up the CPP Investment Board. They had to have the bill passed right away, they said. They had to invest

that money and get going, they said, but one and a half years later the CPP board has not even been set up.

Now we will begin this set-up process, but amendments will be made so nothing will actually happen for years to come — except that the government will get the \$30 billion that it wants. The government wants passage of this bill, warts and all, because of that \$30 billion. There has been only opposition from people affected by this bill. I did not get one letter, out of the many I did receive from pensioners, saying that the government is right and that they should take that money. No pensioner has said they would be happy with that because the government has a legal right to take the money. I do not think any one of you got such a letter, either. It is a free country; we could have hoped for one, but we got none; not from one retiree, not one such letter. Perhaps Senator Kirby received a letter like that but he did not table that petition in this chamber.

• (1650)

This bill is not just about a \$30-billion supposed surplus. Bill C-78 is about exercising the power of the Langevin Block to get that money. The bill is not about the Pension Plan Management Board, it is about government arrogance: We have to do this now. It was not done over the summer, so we must do this now. That is government arrogance. They were, perhaps, a little embarrassed.

The process and the summer events are not about parliamentary democracy, they are about the usurpation of the parliamentary process, because that is what happened this summer. They do not care that we passed a resolution because they can do what they want. That is what Bill C-78 is about.

This entire process is not about the well-being of the workforce and retirees, it is about having a timely party with Adrienne Clarkson. That is why we are here, and that is why we cannot come back on October 23. They will be having a party with Adrienne Clarkson. We will be here until the fall. What is the problem? My remarks apply equally to Bill C-32. Both bills are about a party with Adrienne Clarkson. We must have it on October 13. There will be motions to limit debate on both bills for that very reason.

The entire process should be about our role and not about the government's role, and our duty, and whether we will have the courage to exercise our duty and defeat this bill.

Hon. Douglas Roche: My question is the same one that I put to Senator Kirby. I listened carefully to Senator Kirby but perhaps I did not quite understand everything he said. I put the same question to Senator Tkachuk which concerns the absence of any proposed amendment to the bill that has been returned to us.

Senator Tkachuk referred several times to the flaws in this bill and made particular reference to the poor wording that will lead, in his view, to legal battles over conjugal relationships. I should like to hear from Senator Tkachuk as to why there were no amendments proposed to this bill.

Senator Tkachuk: If I am not mistaken, Senator Taylor suggested some amendments. If I remember correctly, there was no movement from the chair last June to even consider them. Being fairly wise people, we decided that we would move our amendments in this chamber. We have a number of amendments prepared on Bill C-78, which we will move here, however, the summer process, after the June vote, was to give the opportunity to the government to make the amendments necessary.

As Senator Kirby so aptly expressed, we are not here to impose some joint management agreement, even though we see many flaws in it, on what we think should be a negotiated deal between the people affected; the pensioners, the present workers, and the government. That should be brought to us. We gave them a two and a half month opportunity to do that and nothing happened, therefore, our view was that nothing would happen in committee.

However, there will be amendments to the bill, I am certain.

On motion of Senator Stratton, debate adjourned.

[Translation]

INTERNATIONAL POSITION IN COMMUNICATIONS

CONSIDERATION OF REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the Report of the Subcommittee on Communications of the Standing Senate Committee on Transport and Communications entitled "Wired to Win! Canada's Positioning Within The World's Technological Revolution," deposited with the Clerk of the Senate on May 28, 1999.

Hon. Shirley Maheu: Honourable senators, I rise today with pleasure and enthusiasm to speak to you of the final report of the Subcommittee on Communications entitled "Au fil du progrès! Wired to Win!" on Canada's position within the world technological revolution.

Pleasure and enthusiasm because this report represents the termination of a study which will, with the recommendations it contains, 21 in all, enable Canada to play its rightful role in a world being inundated by new means of communications.

This report focusses on the impact of these new technologies on the entertainment industries, the new media and the cultural industry in particular. It emphasizes the challenges raised by new distribution systems such as the Internet, and proposes means of meeting those challenges.

These new technologies know no borders. Our cultural diversity will therefore have to stand up to international competition. We will need creativity and foresight if we are to determine the path that must be followed if Canadians are to be

able to take advantage of this technological progress and if that progress is to enable our national culture to flourish.

[English]

In order to reach that goal, the subcommittee on communications stresses the importance of making sure that no group of Canadians is left behind. We do not want groups of Canadians to become disenfranchised have-nots, at the margins of society, unable to function in today's wired world.

It is for that reason that the Senate's study of technology wants Statistics Canada to monitor the ownership of computers and the use of the Internet to ensure that there is equal opportunity throughout all levels of our society. They all must have access to the new media. It is also why this study urges the government to continue its efforts in bringing the Internet into all Canadian schools so that our young people have the opportunity to take part in the world of new technology and, ultimately, contribute to Canada's place in the world.

[Translation]

Today, knowledge of the Internet and new communication technologies is highly useful, but before long it will become essential. These modern media, by virtue of their enormous capacities, limitless scope, and regulatory flexibility, will become a pervasive presence and will force the traditional media such as the cable and electrical companies to re-examine their strategies and the services they have been offering.

This reorganization will make it possible for people to do such things as watching a film on a computer screen or using their television set to surf the net. Canadians will need to move easily within this wired world if they are to fully benefit from it.

[English]

• (1700)

However, we must be watchful of what happens on the Web. Although this new media offers great possibilities, some people are more interested in using this technology in a less appropriate way. Many Web sites promoting racism and pornography have been emerging. These sites should not be tolerated, and actions are to be taken to make content of this sort illegal.

In North America, some want a hands-off approach to the Internet, arguing that it would be very difficult, almost impossible, to regulate the Web. The subcommittee understands that very well, and acknowledges that it might be a difficult task to draft legislation to control the content of the Internet. However, the subcommittee believes that something must be done to solve this problem. It believes that one way of curbing obnoxious sites is to make the distribution systems that carry them liable, with penalties that include seizure of assets.

It has also asked the government to move quickly on addressing the issues of racism, violence and pornography on the Internet. In some European countries, laws have already been drafted to make content of this sort illegal. Why could we not do the same?

[Translation]

The Internet and the new media are, as we know, powerful tools of communication that will greatly influence Canadian culture.

I wish to remind you that, in the context of our work, we looked at culture in its broadest sense. This includes, therefore, all the elements that contribute to a definition of Canada as it is now. One of the witnesses appearing before us, Yvon Thiec, the Director General of Eurocinéma, summarized the situation very well. According to him, culture is:

[...] the communal conscience bringing people together.

The subcommittee also made a few recommendations so the new technologies may become promotional tools to introduce the world as a whole to Canadian culture.

[English]

In order to achieve that goal, it was felt that fiscal incentives, such as those available to conventional film and television producers, should be extended to creators of new media content. It was also recommended that Internet service providers, or ISPs, should begin contributing a levy that would be pooled and used for new media productions. This approach would be in line with the current levy on cable operators who pay, according to their revenues, into a fund for the development of domestic programming.

Studies show that TV viewing is declining while use of the Internet is increasing. Therefore, as cable contributions to the fund go down as a percentage of revenues, ISP levies would kick in at a certain point to compensate. This would not be a new levy but a fair practice to ensure funds for Canadian content.

[Translation]

Canadian culture may also gain exposure through the "portals" on the World Wide Web. These portals, such as America Online and Yahoo, are real ports of entry to the Web. They attract clients with single entry windows and then direct them to commercial income generating sites, thus favouring some sites over others.

The subcommittee therefore recommends that Canadian portals be given incentives to give Canadian cultural works greater prominence on their sites. The CBC, among others, as a public broadcaster should be given resources to create a search engine or a portal giving Internet access to Canadian works. These measures would give Canadian culture and products a choice location and good visibility on the Web.

The subcommittee recognized as well that our young talents will represent Canadian culture in the future. They will therefore have to have the support they need from Canada's cultural organizations in order to play this role fully. These organizations' commitment to our young artists must be expressed in the new media and in the more traditional ones, too.

To conclude, I would like to draw your attention to an interesting project of the more traditional media. It appears that the action taken by broadcasters in francophone countries to form a consortium to provide an international television service has proven successful to some extent. This consortium, called TV5, has expanded its distribution and improved the quality of its productions.

Through its participation in this initiative, Canada has made its culture better known in francophone countries. The subcommittee believes that the public broadcasters in the anglophone countries could learn from this initiative.

[English]

I think honourable senators can easily understand why we are so proud of this report. The recommendations that are made as a result of this study will surely help Canada stay a leader in the world of new technologies and will assure that we stay the most wired country of the whole world. The world's technological revolution brings many new challenges. I believe that Canada has all the tools to face them.

[Translation]

Hon. Pierre Claude Nolin: How did you, or the committee, react to the news that the CRTC had decided not to control Web content?

Senator Maheu: The CRTC is not the only means of controlling what appears on the Web. Several neighbouring countries, including the United States, use external monitoring. Through legislation, we will be able to force an agency to monitor Web content that is pornographic, or racist, for instance.

Senator Nolin: This is certainly something that interests a great many people. The Internet began in California on September 2, 1969. This week, Munich is the site of a conference attended by 300 participants representing various governments, including the governments of Canada, the United States and other countries interested in controlling information on the Internet.

Were you aware of this conference and, if so, do you know whether Canadian officials are taking part? What do you hope will come out of the conference?

Senator Maheu: Unfortunately, I am not aware of the conference, but I am sure the chair of the subcommittee on communications was. Europe is determined to find a way of controlling Internet content, and the Americans have already begun; we in Canada must certainly be capable of introducing legislation in this regard.

Senator Nolin: Most of the members of this group are North Americans. The conference is being held in Munich for reasons I am unaware of. The name of this very recent group is the Internet Content Rating Association.

On motion of Senator Spivak, debate adjourned for Senator Johnson.

[English]

• (1710)

EXCISE TAX ACTBILL TO AMEND—MOTION TO ADOPT REPORT OF COMMITTEE
NEGATED ON DIVISION

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Cochrane, for the adoption of the fifteenth report of the Standing Senate Committee on Social Affairs, Science and Technology (Bill S-10, to amend the Excise Tax Act, with an amendment) presented in the Senate on December 9, 1998.—(*Honourable Senator Carstairs*)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, as was mentioned earlier today, there is a symbolic and practical interest on this side to see this matter resolved by this chamber. The symbolic dimension relates to the fact that international literacy is on the front burner today. The practical interest is that, in looking at the parliamentary timetable, we are of the view that this session of Parliament will probably draw to a close within the next few weeks.

In light of that, I wish to move the previous question.

The Hon. the Speaker: It is moved by the Honourable Senator Kinsella, seconded by the Honourable Senator DeWare, that the previous question be moved. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Sharon Carstairs (Deputy Leader of the Government): No.

The Hon. the Speaker: Those honourable senators in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those honourable senators opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen.

The Hon. the Speaker: Call in the senators.

The whips confirm that the bells will ring for one half-hour. The vote will therefore take place at 5:45 p.m.

• (1740)

The Hon. the Speaker: Honourable senators, the motion before the Senate is that the previous question on this order be now put.

Motion negated on the following division:

YEAS**THE HONOURABLE SENATORS**

Andreychuk	Kelleher
Atkins	Keon
Beaudoin	Kinsella
Bolduc	LeBreton
Buchanan	Lynch-Staunton
Carney	Nolin
Cochrane	Oliver
Comeau	Roberge
DeWare	Robertson
Di Nino	Rossiter
Forrestall	Spivak
Ghitter	Stratton
Grimard	Tkachuk—26

NAYS**THE HONOURABLE SENATORS**

Adams	Kroft
Austin	Lewis
Bryden	Losier-Cool
Callbeck	Maheu
Carstairs	Mahovich
Chalifoux	Mercier
Christensen	Milne
Cook	Moore
Cools	Pearson
Corbin	Pépin
De Bané	Perrault
Fairbairn	Perry
Ferretti Barth	Poulin
Finestone	Poy
Finnerty	Prud'homme
Fitzpatrick	Robichaud
Fraser	(<i>Saint-Louis-de-Kent</i>)
Furey	Roche
Gill	Rompkey
Grafstein	Ruck
Graham	Sibbeston
Hays	Sparrow
Hervieux-Payette	Stewart
Joyal	Taylor
Kenny	Watt—50
Kolber	

ABSTENTIONS**THE HONOURABLE SENATORS**

Nil

• (1750)

The Hon. the Speaker: I declared the motion defeated. Accordingly, pursuant to rule 48(2), the main motion drops from the Order Paper.

UNITED NATIONS

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS—RECENT RESPONSES TO QUESTIONS FROM COMMITTEE—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Kinsella calling the attention of the Senate to the Responses to the Supplementary Questions emitted by the United Nations Committee on Economic, Social and Cultural Rights on Canada's Third Report on the International Covenant on Economic, Social and Cultural Rights.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk: Honourable senators, I congratulate Senator Kinsella for putting this inquiry on the Order Paper. The issue is extremely important and the outcome of Canada's involvement in committee processes at the United Nations is worthy of scrutiny. However, in light of the lateness of the hour this evening, I propose only to open the debate at this point and now move that the adjournment stand in my name.

On motion of Senator Andreychuk, debate adjourned.

NATIONAL DEFENCE

MOTION TO ESTABLISH SPECIAL COMMITTEE TO EXAMINE ACTIVITIES OF CANADIAN AIRBORNE REGIMENT IN SOMALIA—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Berntson:

That a Special Committee of the Senate be appointed to examine and report on the manner in which the chain of command of the Canadian Forces, both in-theatre and at National Defence Headquarters, responded to the operational, disciplinary, decision-making and administrative problems encountered during the Somalia deployment to the extent that these matters have not been examined by the Commission of Inquiry into the Deployment of Canadian Forces to Somalia:

That the Committee in examining these issues may call witnesses from whom it believes it may obtain evidence relevant to these matters including but not limited to:

1. former Ministers of National Defence;
2. the then Deputy Minister of National Defence;
3. the then Acting Chief of Staff of the Minister of National Defence;
4. the then special advisor to the Minister of National Defence (M. Campbell);
5. the then special advisor to the Minister of National Defence (J. Dixon);
6. the persons occupying the position of Judge Advocate General during the relevant period;
7. the then Deputy Judge Advocate General (litigation); and
8. the then Chief of Defence Staff and Deputy Chief of Defence Staff.

That seven Senators, nominated by the Committee of Selection act as members of the Special Committee, and that three members constitute a quorum;

That the Committee have power to send for persons, papers and records, to examine witnesses under oath, to report from time to time and to print such papers and evidence from day to day as may be ordered by the Committee;

That the Committee have power to authorize television and radio broadcasting, as it deems appropriate, of any or all of its proceedings;

That the Committee have the power to engage the services of such counsel and other professional, technical, clerical and other personnel as may be necessary for the purposes of its examination;

That the political parties represented on the Special Committee be granted allocations for expert assistance with the work of the Committee;

That it be empowered to adjourn from place to place within and outside Canada;

That the Committee have the power to sit during sittings and adjournments of the Senate;

That the Committee submit its report not later than one year from the date of it being constituted, provided that, if the Senate is not sitting, the report will be deemed submitted on the day such report is deposited with the Clerk of the Senate; and

That the Special Committee include in its report, its findings and recommendations regarding the structure, functioning and operational effectiveness of National Defence Headquarters, the relationship between the military and civilian components of NDHQ, and the relationship among the Deputy Minister of Defence, the Chief of Defence Staff and the Minister of National Defence.

And on the motion in amendment of the Honourable Senator Forrestall, seconded by the Honourable Senator Beaudoin, that the motion be amended by adding in paragraph 2 the following:

"9. the present Minister of National Defence.."—(*Honourable Senator Meighen*)

Hon. Norman K. Atkins: Honourable senators, due to the recent series of allegations about Canadian soldiers being exposed to toxic substances while serving in Croatia between 1993 and 1995, and the alleged shredding of medical documents, I move that the motion be amended by adding two new paragraphs after point 8 as follows:

That the committee also examine and report on allegations that Canadian Forces personnel were exposed to toxic substances in Croatia between 1993 and 1995, the alleged destruction of service personnel medical records, and actions by the Chain of Command in theatre and in National Defence Headquarters in responding to these issues;

That the committee in examining these issues may call upon witnesses from whom it believes it may obtain evidence relevant to these matters, including but not limited to the Minister of National Defence;

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Sharon Carstairs (Deputy Leader of the Government): If Senator Atkins is not going to speak to the amendment, I move the adjournment of the debate.

Hon. Eymard G. Corbin: Honourable senators, I suggest that the amendment is totally out of order because the main motion deals with actions in Somalia. Senator Atkins is attempting to enlarge it, by way of amendment to a subclause of the main motion, to encompass events that took place in another theatre of intervention, namely, Czechoslovakia. If he wants to bring that to the attention of honourable senators, he should give notice of a motion to do so, but he cannot simply, as he did today, introduce this new matter as an amendment to another substantive motion. The motion should be ruled out of order.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the point of order raised by the Honourable Senator Corbin is an interesting one, but I am not sure that it will

meet the test of either precedent or the *Rules of the Senate of Canada*.

First, the plain reading of the main motion is universal enough to encompass all activities that relate to the chain of command, the culture of which chain of command has not changed since the time of the Somalia tragedy and continues to affect, in the view of many, the management of the Canadian Armed Forces. The amendment proposed by Senator Atkins is particular to the culture within the chain of command which the universal proposition contained in the main motion would easily encompass. Therefore, the matter is not out of order and there is nothing in the procedural literature which would suggest to the contrary.

Hon. John B. Stewart: Honourable senators, we should look at the wording of the main motion. That motion proposes that a special committee of the Senate be appointed to deal with the chain of command of the Canadian Forces, both in theatre and at National Defence headquarters, the effective words being:

...responded to the operational, disciplinary, decision-making and administrative problems encountered during the Somalia deployment to the extent that these matters have not been examined by the Commission of Inquiry into the Deployment of Canadian Forces to Somalia;

The original motion focuses on the operations in Somalia and not in any other place.

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, I have reread the main motion carefully. I agree that the main motion deals specifically with the Somalia deployment. It does indeed say:

...the Canadian Forces both in-theatre and at National Defence Headquarters, responded to the operational, disciplinary, decision-making and administrative problems encountered during the Somalia deployment to the extent that these matters have not been examined by the Commission of Inquiry into the Deployment of Canadian Forces to Somalia;

To bring in Croatia would, I think, fall outside of the main motion.

• (1800)

I therefore declare the amendment out of order.

Honourable senators, we still have the main motion before us. Does some honourable senator wish to adjourn the debate on the main motion?

Senator Carstairs: Honourable senators, it is my understanding that, since Senator Atkins has now spoken to the motion, it would normally be adjourned in the name of another senator. However, since Senator Atkins only spoke to this motion briefly, if he wishes the adjournment to stand in his name, he may move such a motion.

Senator Atkins: Honourable senators, it is my intention to speak to it on another occasion. That being so, I would move that the debate be adjourned in my name.

On motion of Senator Atkins, debate adjourned.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it is now six o'clock. Is it your wish that I not see the clock?

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, since there are only two items left on the Order Paper, it would be the will of the chamber not to see the clock.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): The opposition agrees with the Deputy Leader of the Government that we not see the clock.

QUESTION OF PRIVILEGE

The Hon. the Speaker: Honourable senators, we have now reached the end of the regular Order Paper. We were at Inquiries. The first item to be taken up now is Honourable Senator Kinsella's question of privilege which he raised yesterday and which, by general agreement, was set to be dealt with today.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I shall not keep you very long on this matter. The facts of the matter are quite straightforward, so I shall be brief.

I did, however, want to provide some background to this matter, which is very serious. On Sunday, August 15, 1999, I co-chaired a senators' Sunday round table on citizen participation in civic affairs, held here in the National Capital Region. During that round table, I had asked the participants to address the question of barriers they perceived to citizens' participation in civic affairs. A certain Dr. Shiv Chopra was one of the participants, and he responded to the question with a personal example involving a five-day suspension without pay that he had just received from his employer, Health Canada. He stated that it was his view that this five-day suspension without pay was a direct consequence of his testimony before a standing Senate committee. Dr. Chopra was attending the workshop as a representative of the National Capital Alliance on Race Relations and is, in fact, their past president.

Following that round table discussion, Dr. Chopra wrote me a letter dated August 19 in which he again stated that this job action taken against him by his employer, Health Canada, was a direct result of his testimony before the standing Senate committee.

Dr. Chopra was one of five Health Canada scientists who were witnesses before the Standing Senate Committee on Agriculture and Forestry during its study on recombinant bovine growth hormone, rBST, and its effects on human and animal safety.

In September, 1998, an invitation was sent by that committee to Dr. Chopra and others to appear before the committee, and a notice of meeting was issued for October 1, 1998. That meeting, however, was cancelled as the scientists stated that they were concerned about the repercussions on their careers if they appeared before our committee.

On October 2, 1998, the Minister of Health sent a letter to Senator Whelan, who was the chair of that committee at the time, reassuring him and the committee members that any suggestion that Health Canada employees are under threat was "completely without foundation."

On October 22, 1998, Dr. Chopra appeared before the Standing Senate Committee on Agriculture and Forestry and gave evidence. On October 29, 1998, officials from Health Canada appeared before the same committee, and I wish to quote from an exchange between Senator Stratton and Mr. David Dodge, the Deputy Minister at Health Canada.

Senator Stratton: As you know, five scientists appeared last week before this committee, three of whom took an oath. It took a lot of courage to give that testimony. I would like to have your assurance in front of this committee that those people will be dealt with fairly in the future. The last thing this committee wants to hear is that one of them ends up in Timbuktu, for lack of a better word. I do not want to offend anyone in Canada by naming a city such as Winnipeg. Therefore, I would like to have your assurance.

I have told them — and I thank them for being here again today — that if they do have a problem, to please come to us. If we cannot get assurance or reassurance from the health department, do I have your assurance?

Mr. Dodge: Senator, the allegations that are being made are obviously being examined through due process. That due process is extraordinarily important. Every employee deserves the protection of that due process.

These employees and every other employee of the Department of Health — indeed, I would hope, of the Government of Canada — ought to be afforded all those protections of due process.

On April 26, 1999, Dr. Chopra again appeared before the committee as part of the human safety panel, and on May 3, 1999, he appeared also as a scientist from Health Canada.

In this chamber, on May 5, 1999, during the debate on the interim report of the Standing Senate Committee on Agriculture and Forestry concerning rBST, I asked the following question of my colleague Senator Milne:

I attended the Monday morning session of the Standing Senate Committee on Agriculture and Forestry and listened to Dr. Haydon and her colleagues, including Dr. Chopra.

I should like to know whether the honourable senator shares my view on the following subject. When the scientists from Health Canada testified before the committee, they indicated that they were experiencing a sense of insecurity about possible retaliation as a result of their testimony before the Senate committee.

Does the honourable senator agree that any kind of retaliation taken by senior managers in Health Canada against their scientists on the basis of their appearance before one of our committees is totally unacceptable and is contemptuous of the Senate?

Would the honourable senator also agree that any witnesses who appear before Senate committees should not be subject to interference?

Senator Milne responded:

Honourable senators, I sincerely hope that no witness appearing before any Senate committee would be placed in the position of fearing for the loss of their job, or in fact intimidation in any way whatsoever. Certainly that should not be the case if that person is a federal government employee.

Now we turn, honourable senators, to the date of the job action against Dr. Chopra. Apparently, Heritage Canada invited Dr. Chopra to be a member of a panel at the Heritage Canada conference entitled "The Human Dimension, Workplace Experiences of Visible Minorities," which was held here in the National Capital Region on March 26, 1999. That date is important. On March 26 Dr. Chopra appeared as a panellist at a Heritage Canada workshop on visible minorities in the workplace. Dr. Chopra had been invited to attend this workshop in his capacity as president of the Federation of Race Relations Organizations of Ontario.

• (1810)

On July 21, 1999, Dr. Chopra was told in writing by Dr. André Lachance, Director, Health Canada Bureau of Veterinary Drugs, Food Directorate, that there was a problem with what he had to say at the Heritage Canada conference back in March and was asked to attend a meeting with Dr. Lachance and other officials on July 23, 1999. Sometime later, he was notified that he would receive a five-day disciplinary suspension, starting August 18.

Honourable senators, here we have an individual who appeared before one of our committees on October 22, 1998, and again on April 26, 1999, and May 3, 1999. This individual was concerned that the evidence he would give, which was critical of his employer, would be used against him by that employer. The committee undertook a number of initiatives to reassure its witnesses, including receiving written assurances from a minister of the Crown. Prior to these last two appearances before a Senate

committee, he was a panellist at the request of another government department where he was critical of the government's record as it pertains to visible minorities in the workplace. No job action was taken by his employer until some five months after that conference.

Honourable senators, I do not know more than these facts as I have presented them to this chamber, but Dr. Chopra believes that his five-day suspension without pay was a direct consequence of his testimony before the Standing Senate Committee on Agriculture and Forestry.

Honourable senators know that the Bill of Rights of 1689, article 9, is a statutory provision which spells out the rights to freedom of speech given to parliamentarians and witnesses who appear either at the bar of the house or before a committee. Canada, honourable senators, claimed these privileges under the Constitution Act of 1867 and further codified the rights of witnesses before parliamentary committees in the Parliament of Canada Act and the Charter of Rights and Freedoms. *Beauchesne's 6th Edition*, citation 109, provides as follows:

Witnesses before committees share the same privilege of freedom of speech as Members. Nothing said before a committee (or at the Bar of the House) may be used in a court of law. Thus a witness may not refuse to answer on the grounds of self incrimination.

It is clearly in the interest of our parliamentary committees that our witnesses feel safe to give unreserved testimony without fear that it may jeopardize, directly or indirectly, their personal or professional lives. *Erskine May, Twentieth Edition*, has a provision which reads that "molestation of or threats against those who have previously given evidence before either House or a committee will be treated by the House concerned as a contempt. Such actions have included assault or a threat of assault on witnesses, insulting or abusive behaviour, misuse (by a gaoler) or censure by an employer."

The crux of the matter is that freedom of speech on the part of witnesses before a committee is essential to the process of gathering information by this house. Witnesses who fear retaliation, directly or indirectly, arising from their testimony, whether because of implied or direct threats or because previous witnesses have suffered due to their testimony before a committee, obviously will not be forthcoming in their evidence. Since this lack of full disclosure impedes parliamentarians on the committee in the full exercise of their duties, it represents a breach of parliamentary privilege and the action of the Department of Health amounts to contempt of the Senate and its committees.

Should His Honour make the appropriate finding of a *prima facie* case, I am prepared to move the appropriate motion, which would be to the effect that the matter be referred to the Standing Senate Committee on Privileges, Standing Rules and Orders for investigation and report to this house.

The Hon. the Speaker: Honourable senators, this is a serious matter because, obviously, witnesses who appear before our committees must be able to speak freely to the committee. However, I must be satisfied that the action taken is related to the appearance before the committee. If any other senators have information on this matter, I would be pleased to hear from them.

Hon. John B. Stewart: Honourable senators, I should like to ask Senator Kinsella a question. I agree entirely with what he says in the matter of principle. However, if I recall accurately what he said, the doctor in question believes that a penalty was imposed on him by reason of his appearance before a committee of the Senate and the testimony which he gave there.

Can the honourable senator substantiate his statement that the doctor believes that this occurred? Does he have, for example, a letter from the doctor in which the doctor states that he believes that, or is it just hearsay? Obviously, if the doctor believes it and has put that in writing, then it makes the matter much more serious.

Senator Kinsella: Honourable senators, the same thought occurred to me. On August 19, 1999, I received a letter from Dr. Chopra in which he states that, "I mentioned that all these actions were the direct consequence of my testimony, which I was requested (required) to give before the Standing Senate Committee on Agriculture and Forestry for its bovine growth hormone rBST investigations." It is this letter and that statement from Dr. Chopra which I rely upon to bring this matter to the attention of the Senate.

Senator Stewart: That is a useful answer.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, Senator Kinsella has raised a serious question of privilege. We must in this chamber, as they must in the other chamber, always know that witnesses can come before us in our various committees without any fear of reprisal.

It is clear that there is some disagreement as to why this penalty was imposed. We know, for example, that Dr. Chopra feels that it was his appearance before this Agriculture Committee that resulted in his penalty. We have had correspondence with the Deputy Minister of Health which would indicate that that was not the case.

It would appear to me that we have a disagreement, which is not possible for us to resolve unless we hear testimony. If His Honour thinks that there is a *prima facie* case of privilege, I would certainly support Senator Kinsella's motion that this be referred to the Standing Committee on Privileges, Standing Rules and Orders for further study.

Hon. Shirley Maheu: Honourable senators, as chair of that committee, I would ask to adjourn this debate to give me enough time to make inquiries of Health Canada to ascertain if Dr. Lachance can give us the other side of the story.

The Hon. the Speaker: Honourable senators, I am sorry, but the matter cannot be adjourned. The procedure is that the Speaker hears all honourable senators who wish to speak on the matter until the he is satisfied that the he has enough information.

The Speaker then either makes a decision or takes it under advisement.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I have listened most attentively to this debate. I have given equal attention to the words of Senator Kinsella, and I am satisfied with the response by Senator Carstairs. She says that is what is done here in this chamber, as it is in the other.

[English]

I am not too sure about the other chamber, having been there 30 years, but the Senate should defend rights and be satisfied that the rights of any witness called before us has been respected.

• (1820)

As far as I am concerned, I am satisfied with the agreement that the official government side and the opposition side are in a dilemma, one side versus the other.

I am happy to welcome to the Senate the chair of the Joint Committee on Official Languages, Senator Finestone.

[Translation]

The doctor really believes that he has been punished and his rights have been interfered with. He is totally convinced of this. The response by his bosses did not indicate any connection. That is where the dilemma lies. How can we be satisfied as to which is the case? Senator Carstairs has stated it very clearly: A committee is the only body that could conclude that yes, what the doctor says is correct, or no, his rights have not been interfered with.

[English]

If the Senate has a duty to fulfil, it is in the total protection of any witness. Could you imagine, just for a moment, if we were to take such a thing too lightly? We must signal respect to witnesses who have information about certain matters. How would they feel if they discovered that, in a case which was submitted to us, we saw fit not to take any action? Therefore, I agree with both Senator Carstairs and Senator Kinsella.

Hon. Anne C. Cools: Honourable senators, may I remind you of the phase that we have reached. Senator Kinsella is raising a question of privilege under the *prima facie* rules. Senator Kinsella is seeking an opinion from His Honour as to whether there is sufficient evidence at first blush. The other determinations will be made as a result of serious and intense consideration in committee, if this proceeding goes far enough for Senator Kinsella to make such a motion.

I thank Senator Kinsella for bringing forth the question of privilege. I am satisfied that there is *prima facie* evidence. I also thank Senator Kinsella for his survey of the facts in this case. I thank Senator Kinsella for qualifying his statements and stating that Dr. Chopra believes that he is the victim in this particular situation.

I support Senator Kinsella's question of privilege. I would ask that Senator Kinsella table that document with us today.

In addition to requesting that useful documentation, I have a few points on fairness and due process. It is a contempt of Parliament and of the Senate to attempt to hurt, or damage, or molest a witness. It is also a contempt of Parliament and of the Senate for any witness to attempt to mislead the Senate in any suspicious or questionable or undesirable way. If this issue goes forward for study, much reliance would be placed on the integrity of this particular individual.

I remind honourable senators that there are few instances where the privileges of the Senate and of Parliament have actually made their way into statute, but there is one such place. In the Criminal Code, the act of falsely testifying under oath before a committee of Parliament is a criminal offence.

We must understand clearly that if His Honour finds a *prima facie* case, and if this matter goes to committee, we will be taking a very serious step and we will be relying on the integrity of this individual.

I am pleased that steps are being taken to look into these matters. We hear of this sort of thing quite frequently. When we were looking into UI matters a few years ago, we heard about contracts being denied to people who had come before Senate committees. When Senator Orville Phillips was chair of the Veterans Affairs Subcommittee, there was concern voiced about reprisals for appearing before the committee. One potential witness, Mr. Fred Gaffen, wrote to us that he had been forbidden to speak to that committee. Committee members expressed their great concern. Another witness, Victor Suthren, was so concerned about his vulnerable position that the committee chairman asked our parliamentary counsel, Mark Audcent, to sit with the witness while he was giving testimony.

I have not had time to prepare remarks today, but Dr. Chopra has raised direct and pointed accusations with which we should deal directly. I have no doubt that the gentleman understands the seriousness of the situation in which he would find himself if it turns out that his allegations are false.

There is no need to belabour the point. According to the Bill of Rights, which Senator Kinsella cited, proceedings in Parliament are beyond question and beyond impeachment. This institution has been especially negligent in studying its own privileges and the privileges of its witnesses.

A committee should examine this issue in detail and reach conclusions using all fairness and due process. We will go forward from there again.

The Hon. the Speaker: Honourable senators, is leave granted for Senator Kinsella to table the letter to which he referred?

Hon. Senators: Agreed.

• (1830)

Hon. Mira Spivak: Honourable senators, I wish to make three brief points. Senator Kinsella has covered the situation. I will not speak to the merits of the case, but the context, since I was a member of the committee at which Dr. Chopra appeared.

First, Dr. Chopra and his colleagues gave testimony on a very controversial issue. It is an issue on which the same committee had a great deal of difficulty getting all of the information. Information was withheld. Second, these particular individuals who appeared were under a gag order not to speak to the press, which I believe is rather unusual. Third, the witnesses asked to be sworn before giving their testimony, something which is also quite unusual. In this particular committee process, the Agriculture Committee, normally the issues are not such as to require that sort of defensive posture on the part of witnesses. The committee does not deal with matters of constitutional affairs or of national defence.

I believe this is a matter that the Senate ought to look at, and I would thank Senator Kinsella for raising this issue and for bringing it forward.

The Hon. the Speaker: If no other honourable senator wishes to speak, I might say that, in view of the marvellous unanimity which I hear on this matter, it would be easy for me to rule immediately. Nevertheless, I do wish to read the letter from Dr. Chopra as well as consider what Senator Kinsella has said, since the rights of the employer are also an element to be considered. I want to be certain that we are not doing anything that is improper. I will take the matter under advisement and report as quickly as I can.

The Senate adjourned until tomorrow at 2 p.m.

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CANADA

Debates of the Senate

1st SESSION

•

36th PARLIAMENT

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VOLUME 137

•

NUMBER 155

OFFICIAL REPORT
(HANSARD)

Thursday, September 9, 1999

—

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



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(Daily index of proceedings appears at back of this issue.)

OFFICIAL REPORT

CORRECTION

Hon. Eymard G. Corbin: Honourable senators, I should like to make a correction to the *Debates of the Senate* for Wednesday, September 8, 1999, in the first column of page 3774, at the seventh line of my speech. I referred to Czechoslovakia. I should have said Croatia. I trust that Hansard will take this comment into account.

Debates: Chambers Building, Room 943, Tel. 995-5805

Published by the Senate

Available from Canada Communication Group — Publishing, Public Works and
Government Services Canada, Ottawa K1A 0S9,

Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, September 9, 1999

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

THE LATE HONOURABLE ROBERT RENÉ DE COTRET, P.C.

TRIBUTES

Hon. Lowell Murray: Honourable senators, it is my sad duty to say a few words in honour of the memory of former senator, member of Parliament and minister, Robert René de Cotret, who died suddenly on July 9.

Robert de Cotret entered politics at the age of 35, after a brilliant career as an academic and economist. After completing his studies at the University of Ottawa, McGill University and the University of Michigan, he taught at the University of Michigan, as well as at the University of Ottawa and Carleton University. He also served on the President's Council of Economic Advisors in Washington as senior economist, and was a monetary policy advisor to the Department of Finance in Ottawa. In 1972, he joined the Conference Board of Canada, and four years later was appointed to head that prestigious institute.

In 1978, the new leader of the Progressive Conservative Party, Joe Clark, recruited Robert de Cotret to run in the Ottawa Centre by-election.

• (1410)

At that time, I was the head of the Conservative Party's national organization and have clear memories of the enthusiasm with which this star candidate was received by the party faithful. His election contributed greatly to the credibility of our team, both in the House of Commons and throughout the country.

In 1979, although Mr. Clark and the Conservatives won the general election, Mr. de Cotret suffered a defeat in his riding. Since the new prime minister did not want to lose the services of such a gifted colleague, he appointed Mr. de Cotret to the Senate. This appointment allowed him to become Minister of Industry and Commerce and Minister of State for Economic Development. His presence in cabinet also increased the French Canadian contingent within a government in which there were few francophones.

[English]

About 20 years ago this fall, I was Bob de Cotret's seat-mate on the government side of the Senate. His arrival here, on the rebound from electoral defeat, was not of the most auspicious.

There were grumblings in the other place that this senior minister was "hiding in the Senate." However, his performance here silenced the critics.

Senate Question Period became a seminar on economic policy. Senator de Cotret was in his element, engaging in serious dialogue with learned members opposite. Two days into the new session, opposition senators were praising his full and informative replies to their questions.

[Translation]

His senatorial career came to an end with the calling of the 1980 general elections. He ran in the riding of Berthier—Maskinongé in Quebec. Unfortunately, he was defeated once again and subsequently returned to the private sector. During the next four years, he served as the Executive Vice-President and Director General of the international sector of the National Bank of Canada. In the 1984 general elections, he returned to the House of Commons and remained there until 1993. He served with distinction in four positions in the cabinet of the government of Prime Minister Mulroney. He was President of the Treasury Board, Minister of Industrial and Regional Expansion, Minister of State for Science and Technology and Minister of the Environment.

Over the course of these years, I had the honour of sitting under his chairmanship on the Cabinet Committee on Economic Policy. Robert René de Cotret was one of the main players in a number of major reforms undertaken by the government. I am thinking specifically of the Pay Equity Act, of the Official Languages Act of 1988 and the Green Plan for the environment.

In the exercise of his powers, Robert de Cotret always acted with moderation, an innate sense of justice, keen intelligence and remarkable diligence. As a minister, he had a clear grasp of the issues and knew how to develop them through a broader and more coherent vision of Canada.

His relations with his colleagues on both sides of the House, with his constituents and with the union leaders of the public service were marked by respect, good faith and the greatest personal and professional integrity.

[English]

At the age of 35, Bob de Cotret gave an interview to an Ottawa newspaper in which he acknowledged that his worst fear was the chance of having a stroke because there was a history of strokes in his family. He went on to say that, even if he died the next day, he hoped that he could look back on his life at this time and feel that he had accomplished something.

Senator de Cotret lived another 20 years; still far too short a time for those who respected and admired his wonderful human qualities, and who had such affection for him. However, it was long enough to have added further lustre to the name "René de Cotret" which has been part of Canada's history since the days of the earliest French settlers.

Approximately 600 people were present for his funeral mass. The emotion expressed by his brother and his sons was shared by many friends from the academic, business and political world who formed the congregation and mourned his passing.

[Translation]

Honourable senators, although we are concerned about Canada's political future and economic and social problems and sometimes fall prey to lassitude or pessimism, the public life of Robert René de Cotret reminds us of Canada's great wealth. Happy the country that can draw such citizens into its service!

Hon. Pierre De Bané: Honourable senators, I should like to join with Senator Murray in paying tribute to Robert de Cotret, our esteemed colleague in this house, who was also one of Canada's eminent citizens.

Mr. de Cotret served as a model for a good many Canadian politicians, especially the French-speaking ones. At the start of his career, he was invited to serve as principal economic advisor to U.S. President Richard Nixon at the White House, thus assuring Canada of an international presence in the field of economics. He was subsequently appointed to the World Bank, again representing Canada on the international scene.

At the age of 32, he was President of the Conference Board of Canada and certainly the youngest president of this bank of economic sciences our country has seen. With the election of the Conservative government of the Right Honourable Brian Mulroney in 1984, he became the President of the Treasury Board.

In this post, he earned the loyalty and respect of both his colleagues and the union leaders. He held a number of portfolios, including those of Regional Economic Expansion, Economic Development, Science and Technology, government restructuring and finally, environment. In this department, he implemented an ambitious environmental protection plan, the Green Plan, to which the government allocated \$3 billion.

[English]

As Minister of Industry, Trade and Commerce under the Right Honourable Joe Clark, Robert de Cotret was a key architect of the department. His intellect and experience were used to the benefit of all Canadians.

He was recognized repeatedly for his remarkable ability to answer lengthy and demanding questions in this chamber on issues of a diverse nature. The high calibre of his work was evidence of his dedication to the job.

After retiring from politics, the Honourable Robert René de Cotret taught at the University of Ottawa, passing on his legacy to students in the masters of business administration program at the faculty of administration.

Robert René de Cotret's career was one where, though he excelled in the private sector, he was drawn repeatedly to the public sector where he distinguished himself through his tireless efforts to serve all Canadians.

Robert René de Cotret was known by his friends and colleagues as a quiet and thoughtful man whose personal integrity was unimpeachable. He once stated:

I cannot tolerate intellectual dishonesty. I can accept any kind of argument or criticism as long as the motivation behind it is honest.

Robert René de Cotret's contribution to Canada, and in particular to the debates of this house, will be remembered because he was a man of principle who showed us by example how not to sacrifice our personal integrity while leading a life of great accomplishment.

[Translation]

THE LATE HONOURABLE ALAN MACNAUGHTON, P.C., Q.C., O.C.

TRIBUTES

Hon. Céline Hervieux-Payette: Honourable senators, it is an honour for me to speak about the important contribution made by our colleague the Honourable Alan Macnaughton. I met him in 1995 when he was with the law firm of Martineau-Walker. I was struck by his energy, his modesty and his sense of humour.

At the age of 92, he told me that he had only recently had to give up downhill skiing. His more than 30 years of work with the law firm was extraordinary and his departure at the age of 96 is a clear indication that public service is not hazardous to the health.

He was first elected to Parliament in 1949 as a member of the Liberal caucus of the Right Honourable Louis St. Laurent. He represented the riding of Mount Royal, winning the 1949, 1953, 1957, 1958, 1962 and 1963 elections.

He then served as Speaker of the House of Commons from May 16, 1963 to January 18, 1966. On July 8, 1966, he was appointed to the Senate, where he sat until July 30, 1978. In all, he spent 29 years in the service of the Parliament of Canada.

His capacity for work was legendary. In their tributes to Mr. Macnaughton, many colleagues have mentioned that he was still sitting on more than 20 boards of directors, in addition to serving on the Standing Committee on Banking, Trade and Commerce, when he retired from the Senate at the age of 75.

In 1967, Mr. MacNaughton founded the World Wildlife Fund-Canada and sat on its board of directors until 1981.

He sponsored the Macnaughton Conservation Scholarship, a scholarship worth \$5,000 given by the World Wildlife Fund-Canada to two students doing outstanding research into environmental protection issues.

On October 25, 1965, he was sworn in as a member of the Queen's Privy Council. In October 1966, he sponsored Bill C-227, a bill authorizing the Government of Canada to contribute towards the cost of provincial health programs.

He was Canada's alternate delegate to the United Nations in 1945 and led the Canadian delegation to the UN Conference on the Human Environment in Stockholm in 1972, at which Canada played an important role.

He chaired the Senate Standing Committee on Foreign Affairs and was very active in parliamentary associations, including the Canada-United States Inter-Parliamentary Group.

There are a few anecdotes about him that I should like to share. When Alan Macnaughton left the House of Commons, the Right Honourable Diefenbaker had this to say about him:

[English]

I never at any time found a fairer and more able Speaker than...Alan Macnaughton.

[Translation]

That is a real compliment, especially coming from the Opposition. Over the course of his parliamentary career, Alan Macnaughton saw four prime ministers come and go: Louis St. Laurent, John G. Diefenbaker, Lester B. Pearson and Pierre Elliott Trudeau. Although there was no direct link between the two events, his resignation from the Senate came only a few months before the election of Joe Clark.

Senator Walker, a Conservative, had warm praise for his colleague when he paid tribute to him on October 24, 1978. He said:

[English]

Alan Macnaughton was never defeated in all his tries for the House of Commons.... For that, I envy him.... He was never defeated — I remember twice in Mount Royal he had the largest majority of any member of Parliament in Canada. He gave up his seat to the Prime Minister —

Pierre Elliott Trudeau —

— one of the mistakes he made.

[Translation]

I must confess to not being totally in agreement with Senator Walker. He concluded by saying:

[English]

He is the type of person we don't very often find in politics. He was always modest, always soft spoken; he never boasted, never blew his own horn. Yet from job to job he succeeded... Therefore, it is my pleasure, as a Tory, to put on record a summing up of a great Liberal, who made a very distinct contribution to Canada.

[Translation]

Senator Macnaughton certainly brought honour to all of his family. His many relatives must be proud of his contribution to Canada. He has left it the richer for his talent and his hard work.

Hon. Gérald A. Beaudoin: Honourable senators, I wish to pay tribute to Alan Macnaughton, a former Speaker of the House of Commons, who left us this past summer.

The Honourable Alan Macnaughton's life spanned nearly an entire century. He studied at Upper Canada College in Ontario, McGill University in Montreal, and the London School of Economics and London University.

Elected for the first time to the House of Commons in 1949 as a Liberal, he was re-elected in 1953, 1957, 1958, 1962 and 1963. He became a member of the Privy Council in 1965. He was Speaker of the House of Commons from May 16, 1963 to January 18, 1966, and became a senator on July 8, 1966. An eminent jurist, he was a Crown Prosecutor in Montreal and Secretary of the Montreal Bar.

I had the opportunity to come to know his work as Speaker of the House of Commons for a year when assistant parliamentary counsel in the office of long-time parliamentary counsel of the House of Commons, Dr. Maurice Ollivier.

The Honourable Alan Macnaughton had an illustrious career as a member of Parliament, Speaker of the House and senator. His legal career was also a very interesting one. He had interests as well in a number of other areas. He founded the World Wildlife Fund and was made an honorary member in 1990.

My most heartfelt condolences to the members of his family.

[English]

Hon. Sheila Finestone: Honourable senators, I should like to join my voice to that of my colleagues Senator Hervieux-Payette and Senator Beaudoin.

I rise in this chamber still full of wonderment and vivid memories of my installation here just two days ago. The warm reception of family, friends and colleagues, old and new, still remains with me and will remain with me always, along with my fervent hope to use my time here constructively and in the best interests of the citizens of Canada.

Hearing and learning about the life of Senator Alan Macnaughton gives me hope and direction.

I stand before you today to speak in memory of Senator Macnaughton. From the many people with whom I spoke, I know him as a gentleman of culture, wisdom and humour. While I cannot claim to have known this gentleman well, I can tell you that he had an important influence on my life in Parliament.

I first met Alan Macnaughton when I was the newly nominated Liberal candidate from the Mount Royal riding. I was nervous to meet a man many considered to be a living legend. I was already intimidated to find myself campaigning with Pierre Elliott Trudeau, whose parliamentary seat I was supposed to be winning, and now I was to meet this senator. He made me feel comfortable. There was no aura of arrogance, just completely straight, plain talk and, in his calm manner, he shared with me some of his experiences and insights into political life and gave me what I consider to be a very good piece of advice. He said, "Don't be intimidated. Be yourself. Have the courage of your convictions, and just follow your conscience."

• (1430)

To his friends, Senator Macnaughton was what is called in French "un personnage, tout un personnage." This larger-than-life status is only given to a few, and it invariably comes from a personality so strong that it leaves an indelible mark wherever it alights. Alan Macnaughton was such a person; a great Montrealer, Quebecer and Canadian.

For 17 years Alan Macnaughton was the devoted member of Parliament for the riding of Mount Royal and, as you heard, he was elected in 1949, 1953, 1957, 1958, 1962 and 1963. Many of us would like to have that kind of record; unblemished, so to speak.

During his service to the Canadian people over in the other place, he had the honour of being elected to sit in the Speaker's chair which, I am told, he handled with great dexterity. He saw his responsibilities as a conciliator and could clearly see the potential for compromise. As well, Alan Macnaughton brought in major managerial reforms, first, by hiring year-round professionals and then with his extremely interesting reforms of rules and procedures. It is said that Speaker Macnaughton brought the house into modern times. He can be remembered as a voice of calm during the storm of fierce partisanship.

In many ways, he set a standard to be followed, for the 26th Parliament produced some of the longest and most bitter debates in Canadian history. His speakership was punctuated by the flag debate, security and morality scandals, and several unusual incidents such as the day a visitor threw a container of blood on to the floor of the other place.

The devotion that Alan Macnaughton showed to his constituents helped to serve as a guide when I first began my career 16 years ago. Among his many legacies in this very

pluralistic riding — a microcosm, even then, of the multicultural reality of Canada — is the lovely library he had built in the Town of Mount Royal.

Outside the chamber, the senator became one of Canada's first international lawyers. His practice and expertise took him to all corners of the world. While travelling, he also became a teacher, methodically teaching his young protégés the keys to his success. He took many juniors to Europe on his semi-annual trips, from which he returned always fresh as a daisy but, I am told, with one or two of these young lawyers, utterly exhausted, trailing behind. Our senator always stressed the importance of public service to his young colleagues. Rumour has it that he even gave presentations entitled "What Does the Senate Do?"

Senator Macnaughton was proud to sit in this chamber. He passionately defended the role of the Senate, both at home and abroad. He once confided in an old friend that, while travelling, he liked to emphasize his senatorial position, for at the very least, he said, it usually produced upgrades and a fruit basket in his hotel room.

A man of many passions, his great interests and boundless generosity for the World Wildlife Fund and his beloved McGill University gave even greater focus in his later years. He took great pride as he played the initiator's role in the establishment of the Roosevelt Campobello International Park Commission; a unique memorial to the close and neighbourly relations between the peoples of Canada and the United States, and the location of President Roosevelt's summer home.

On July 22, 1999, at Senator Macnaughton's funeral in Montreal at the Church of St. Andrew and St. Paul, and at which Senator Prud'homme was in attendance, the church was filled with wonderful and powerful notes from the church's organ. Our always-independent senator left instructions with his long-time good friend, the Reverend J.S.S. Armour, the very affable presiding minister, to have his favourite selections of the organ played for at least one-half hour prior to the actual service. He said to his dear friend, "If they don't like it then they can just get up and leave."

No one left; all present were uplifted by the fine performance of the organist, Professor John Grew. The music was a further testimony to this senator's fine appreciation for all things cultural in life. The service was truly a celebration of Senator Macnaughton's life. His close friends Maurice Forget and Lise Singer shared with us their special memories of this great man.

To his family, friends and colleagues, we thank you for letting us share in the life of Alan Macnaughton. I try to hold these words of wisdom given to me by Senator Macnaughton as I navigate my way through life, and they are worth remembering for all of us.

Don't be intimidated, be yourself; have the courage of your convictions, and just follow your conscience.

It was a privilege to have met him, and I join my voice to the many in extending a message of sympathy to his family from the constituents of Mount Royal.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, our colleague Senator Finestone pointed out that I attended the funeral of the Honourable Alan Macnaughton, this summer. To do so was only normal for me and for her probably, because when I became a member of Parliament, back in 1964, the Honourable Alan Macnaughton was the Speaker of the House of Commons.

It was mentioned that he was extraordinarily popular, since he always won with very comfortable majorities, except once. I want to say a word about this issue. He was elected with a majority of 10,000 in 1949, 9,000 in 1953, 7,000 in 1957, 20,000 in 1962 and 28,000 in 1963. However, with the arrival of Mr. Diefenbaker, his re-election in 1958 proved very difficult. Senator Macnaughton helped me a great deal when I became a member of Parliament, and I kept wondering why. He told me that it was thanks to my brother — those who think we mixed religion and politics need not worry — the late Reverend Gérard Prud'homme, who was the assistant priest in the parish of Notre-Dame-des-Neiges, in Montreal. My brother had energetically but discreetly campaigned for the Honourable Alan Macnaughton. Those who have a good memory will remember that he faced a fierce Conservative opponent, the Mayor of Mount Royal, Mr. Dawson, who lost by a mere 489 votes. Mr. Macnaughton won by this margin because of the support he garnered in Notre-Dame-des-Neiges, through the efforts of the manager of the Caisse populaire de Notre-Dame-des-Neiges.

I have fond memories of the famous flag debate. Four of us are still around: two are in the House of Commons, namely the Right Honourable Prime Minister Jean Chrétien, my colleague and lifelong friend, and the Honourable Herb Gray, the senior member in the House of Commons. Based on years of service, I will always be second to him. In the Senate, there is another survivor of that debate, Senator Stewart, who is the distinguished chairman of our Standing Committee on Foreign Affairs.

Those who were present witnessed a truly passionate debate. I heard just about everything that could be said on that Canadian flag. It was a gift from the French Canadian people, particularly those in Quebec, to Canada. Yet, that initiative was fiercely debated by a number of political parties, particularly the Conservative Party of the day. Today, such a debate could not take place with the Conservatives I see around me. Still, we must remember these things.

Thanks to the very British composure and dispassion of Mr. Macnaughton, we managed to make it through the worst debate that I have witnessed since becoming a member of Parliament. You probably think that the GST debate in the Senate was terrible. I will let history be the judge. But I can assure you

that, thanks to the sometimes disconcerting dispassion of Mr. Macnaughton, we were able to make it through that debate, at the end of December 1964. We officially got our Canadian flag on February 15, 1965.

Attending the funeral was something I had to do. And, while there, I discovered that, when we grow old, we are very quickly forgotten. Senator Finestone and myself were the only ones present. Fortunately, she was a member of the House of Commons at the time; it can therefore be said that both Houses were represented. But I was surprised to see so few representatives of our Parliament for a man who had been Speaker of the House of Commons. This is something we should remember.

• (1440)

The funeral was also attended by a former senator whom we all respected and whom I consider a personal friend. This man has never criticized me for sitting as an independent, because I took a page from his book, as it were. I am referring to Senator Hartland Molson, a political giant, who strode along like a young man, a bit like Mr. Macnaughton. I thank Senator Finestone for recalling him to mind. I can now pass on your greetings and tell him to continue to occupy the place of honour behind the Montreal Canadiens, where he can be seen with his new wife at each televised game.

I would particularly like Alan Macnaughton to be remembered for his skill in guiding Parliament through some difficult moments. This is an example I use when I tell students that it is easy to be popular when things are going well, but not so easy to keep one's cool when the going gets rough.

I should like to add my kind words to those of Senators Finestone, Hervieux-Payette and Beaudoin and join with them in extending my deepest sympathies to his three children, Elizabeth White, Alan Aylesworth and Laurence Robert Norton, and assuring them that their father's memory will live on in the memories of those who knew him.

[English]

SENATORS' STATEMENTS

THE LATE JEAN DRAPEAU

TRIBUTES

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, since his death, nearly everything has been said and written about the public life of Jean Drapeau, his career and achievements. Thus, it is not my intention today to repeat what is so well known of him. Instead, I want to pay tribute to Jean Drapeau, the colleague and friend I had the honour of being close to for nearly 40 years.

[Translation]

Sober, even austere, in appearance, with his dark suit and his black-framed glasses, Jean Drapeau kept his delightful personality private. Armed with a quick and wicked mind and a well-developed sense of humour, he liked to relax with people whose discretion was inviolate. Oftentimes, around a table where there was no shortage of liquid refreshment, he would recount his impressions of the events of the day and of those involved in them. Ever respectful of those in public life, Jean Drapeau nevertheless could size them up and it was not always favourably. What distinguished him from others was that, while he was an easy target for his detractors, he never criticized them in public. The word "scandalmongering" was not in his vocabulary.

One of his greatest attributes was that of being available for his friends and colleagues, even during the busiest and most difficult periods. A get well card, a phone call on a birthday, a letter of condolence — these little gestures, often unexpected and always appreciated, came naturally to him.

In politics, friendship is often fleeting, but Jean Drapeau recognized the difference between fair weather friends and those to whom his friendship was invaluable. These people could count on his warmth and his great sensitivity.

Everyone is saddened at the death of Jean Drapeau, an exceptional man, a staunch Montrealer, ardent Quebecer and loyal Canadian. Those who enjoyed his generosity and his kindness are all the more so. His friends may be comforted in their suffering by the vital and indelible memories that Jean Drapeau has left them.

Hon. Shirley Maheur: Honourable senators, I am pleased to make this speech on behalf of Senator Lise Bacon.

Honourable senators, I should like to join with all those who, since his death on August 12, have paid tribute to Jean Drapeau. The affection shown by ordinary people and the number and quality of the tributes by public personalities bear witness to the degree of respect and love the people of Montreal felt for their former mayor. Even ten years after he left Montreal city hall, Montrealers meeting him still called him "Mr. Mayor" — well-deserved respect and love for a man who devoted his entire political career to the welfare and happiness of his fellow citizens.

However, the dimensions of this public figure and the extent of his accomplishments went far beyond the limits of the city to which he devoted most of his public life. His years at the head of the City of Montreal made him one of the most memorable political personalities of the 20th century in Quebec and in Canada. Montrealers were not the only ones to reap the benefits of the international reputation Jean Drapeau earned for their municipality. Expo 67 and the 1976 Olympics provided Canada with a window to the world, a remarkable visibility that had unfortunately escaped it until then. It is in part thanks to Jean

Drapeau that, in less than a decade, our country ceased to be seen by the rest of the world as a semi-deserted stretch of land along the northern edge of the United States border and became the modern and dynamic country that it is.

There are two words that define Jean Drapeau's career very well: integrity and vision.

His integrity is what, in the early 1950s, enabled the fledgling lawyer Jean Drapeau to stand alongside Pacifique Plante in a mutual battle to clean up Montreal municipal politics. With his first election as mayor in 1954, Drapeau continued that battle. In my opinion, the fact that Maurice Duplessis did everything in his power in 1957 to get him out of the mayor's chair is proof of his credentials in that area.

His re-election in 1960 allowed him to devote the bulk of his time and energy to converting his favourite dream into reality: lending an international dimension to the City of Montreal. Tirelessly, and with conviction and determination, he sought public and government support for making his dream into reality.

In his 30 years at the helm of the City of Montreal, Jean Drapeau managed to confer upon his city the status and renown that make it the pride of its inhabitants to this day. As his old political opponent Jean Doré put it so aptly:

Jean Drapeau gave Montrealers pride and self-confidence before the world.

His accomplishments, far too numerous to list in their entirety, include Place des Arts, the metro, Expo 67, the Olympics and the Florales internationales, all part of the heritage he has left to the people of Montreal.

I wish to extend my most respectful condolences to his wife and children.

Hon. Joan Fraser: Honourable senators, while Jean Drapeau was the mayor of Montreal, I was one of his severest critics. I was an editorial writer, and much of my job involved commenting on public affairs, especially politics. I made tens, perhaps even hundreds, of very harsh comments on the politics of Mr. Drapeau. Most of them, I must say, I would repeat today, but a leader's greatness is often measured by the force of the criticism he draws.

Jean Drapeau was a very great leader. One of the political giants that Quebec, more than any other part of the country, has a talent for producing.

Physically, he was not particularly impressive. Some thought he looked like a minor accountant or a country solicitor — I always thought he was the perfect incarnation of Hercule Poirot, Agatha Christie's detective — but once he opened his mouth to speak, we realized that this was a man of extraordinary, unique and unforgettable strength, an irresistible strength of intelligence, imagination, vision and perhaps, first and foremost, will.

For Mr. Drapeau, nothing was impossible, and because Montrealers knew that their mayor could do anything, they were prepared to share his dreams and make them a reality.

[English]

If you never met him, you cannot imagine the strength of his ability to sweep you up into his vision. I remember being granted a rare interview with him when he spoke of his latest grand inspiration for Montreal. We were to become the transportation centre for the entire northeastern seaboard of North America, perhaps even for the southeastern seaboard of North America. It has not happened, of course. Even then, a rational observer could see that it would not happen, but when you listened to Mr. Drapeau you suspended disbelief. You were carried along in the flood of his enthusiasm, his refusal to let his superb vision be impeded by petty detail.

Often — not always but often — he succeeded where no one imagined success was possible. He loved Montreal with an unswerving passion. Nothing was too good for Montreal, nothing too daring to imagine. He dreamed great dreams, and his people loved him for it.

Those of us who criticized him might attack his projects; we might pour furious scorn on his mistakes but we never, ever attacked his motives. Even in his dark days — and he did have some — we knew that everything he did was done for the greater glory of Montreal.

In 1986, I attended the press conference where, weakened at last by illness, he announced his resignation. As he read his prepared statement, his voice began to falter and he came close to breaking down. He stopped reading. There was a second of silence. Then, spontaneously, the assembled multitude of cynical journalists did something the press never, ever does. It burst into applause to carry him through his moment of difficulty.

[Translation]

It bore eloquent testimony to the respect we had for this great man. A man that history will recognize as the greatest mayor Montreal has had and, doubtless, as the greatest mayor Montreal will ever have.

Hon. Marcel Prud'homme: Honourable senators, the tributes we have heard reflect only a part of the man Jean Drapeau was. If I told the truth, a number of people would be embarrassed. Those not familiar with all aspects of Jean Drapeau would do well to watch the documentary on him that Radio-Canada is airing from September 7 to 9 at 8 p.m. each evening.

The image of Jean Drapeau that was created was always incorrect. He was a great French Canadian nationalist, although many considered him to be other things. The older he got, the less he was tempted to waver from what constituted a true French Canadian. Those, like me, who conduct themselves as such cannot remain insensitive and silent on the subject of Jean Drapeau.

The first person on the City council Jean Drapeau met with in 1954 was my father. My father was an independent City of Montreal alderman. Perhaps it is an inherited disease; my father never accepted the notion of political parties at the municipal level. He was right then, and is still right today.

Voters should elect the best person for their neighbourhood and should keep a close eye on what is happening in the public forum when the time comes to form an executive committee. That would be far healthier for democracy.

My father was the one Mayor Drapeau wanted to have, thanks to the fact that Pierre Desmarais, the first chairman of the executive committee, was a friend. But there was a catch. Membership in a political party cost \$1,500. What a shock to my father, who was not known for readily parting with his hard-earned money. It was hard for him to understand, because the salary of an alderman at that time was only \$1,500 a year. So he declined.

What I find the most annoying is people's constant attempts at revisionism. It was Jean Drapeau who responded to the supposed "Vive le Québec libre" of General de Gaulle. Yesterday the CBC again referred to part of what continues to be the lie of the century — and was a constant source of annoyance to Mr. Drapeau.

What General de Gaulle said from the balcony was "Vive Montréal! Vive le Québec! Vive le Québec libre! Vive le Canada français!" Yet people persist in never showing the last part of what he said on that famous balcony. I will tell you I am the one who managed to get a complete version of the trip by General Charles de Gaulle to Quebec, in which he has "O Canada" sung in some of the villages visited. I am not defending General de Gaulle, but I am trying to explain the pages of history people want us to forget.

There is a film in the CBC archives that we are not shown, but I have a copy, which I provided to Mayor Drapeau.

• (1500)

I will always be sorry that people in Ottawa lost their heads and made it impossible for him to visit this city. He would have come to Ottawa if people had not reacted so stupidly back then. I am sorry to say this in the Senate. We will explain this in due course.

Again last night, Jean Drapeau was shown on television saying, as he always did: French Canadians, we in French Canada. This existed for him, as it does for me and for many of my colleagues, with the exception of one who prefers to be known as a Quebecer. And if we do not understand what this means, we will always have trouble living together in harmony. Jean Drapeau must not be seen as other than what he was. In his youth, when he belonged to the Bloc populaire, he was probably seen much more as a nationalist. Remember that the leader of the Bloc populaire, André Laurendeau, was elected in my neighbourhood. My mother chaired the nomination meeting for André Laurendeau, while my father chaired the one for the Liberal candidate. You can see the contradictions.

René Lévesque was elected in our riding because I dropped out of the race, being the Liberal candidate in 1960. What some people are and what they wish to accomplish in this country has always been covered up. I say to the Progressive Conservatives that Jean Drapeau could have been your leader. There was a meeting between Jean Drapeau and John Diefenbaker when the latter was Prime Minister. A good friend of Mr. Drapeau, one who can claim to have been a close friend, Senator Lynch-Staunton, is much more up on the details than I am. Unfortunately, Mr. Drapeau was kept waiting a bit too long in the outer office. He took his hat and went back to Montreal. That was the end of his federal temptation.

We are paying tribute to a man who, in his way, believed passionately in Canada, who turned Montreal into a major international city. He had his shortcomings. Heaven knows, Senator Fraser has frequently pointed them out to us. Towards the end, when everyone was applauding, even she was very moved. In other words, write what you will, but, when all is said and done, you will come back to reality yourself.

To Mrs. Drapeau, whom I know very well, and to his children, I extend my deepest sympathy.

[English]

• (1500)

The Hon. the Speaker: Honourable senators, we have exceeded the time for Senators' Statements, but three more honourable senators have indicated that they wish to speak. Is it agreed that we hear from those three senators?

Hon. Senators: Agreed.

FISHERIES AND OCEANS

COLLAPSE OF FRASER RIVER SOCKEYE FISHERY

Hon. Pat Carney: Honourable senators, on British Columbia's south coast this summer, the 1999 Fraser River sockeye fishery suffered a severe and unexpected collapse. The federal Department of Fisheries and Oceans introduced unprecedented closures, citing the effects of El Niño, warmer ocean temperatures, and a much larger number of predators like mackerel and tuna in the warmer waters.

The Fraser River sockeye fishery is the dominant fishery on the West Coast, accounting for 60 per cent of commercial revenues. It has never before been shut down. The value of this particular fishery to B.C. amounts to between \$200 million and \$500 million a year, depending on the salmon cycle. In economic terms, the cost of the collapse this year has been conservatively estimated at \$408 million.

The collapse is another devastating blow to B.C.'s coastal communities following years of fish wars, federal government restructurings, unstable ocean conditions, and several seasons of record low prices. For some fishing groups on the south coast, this loss represents 98 per cent of this season's economic

opportunity, when many were looking to income from this year's fishery to get back on their feet again.

In response to this crisis, 22 British Columbia organizations, representing all facets of the industry — commercial, recreational and aboriginal — have come together to address the biological, economic, and social elements of the collapse. This level of cooperation is also unprecedented.

The Fraser River Sockeye Crisis Committee, facilitated by B.C.'s Coastal Community Network, is pressing the provincial and federal governments to have the Fraser River sockeye collapse declared a natural disaster and to develop a proper negotiating process to deliver disaster relief to those who need it immediately.

The precedents are there. Short-term disaster relief was provided to the New Brunswick aquaculture industry after a virus closed it down in 1998. Disaster relief was also provided to the maple sugar industry in Ontario and Quebec after last year's ice storm, and to prairie grain farmers. The collapse of the Fraser River sockeye is also a natural disaster and the hardship faced by B.C.'s coastal communities is no less devastating.

B.C.'s coastal parliamentarians, which are all the MLAs, MPs and senators from coastal areas, have been invited to attend a Fraser River Sockeye Crisis Committee emergency meeting this Friday, September 10, in Vancouver to impress on the provincial and federal governments the need for social and economic assistance for the individuals and coastal communities hard hit by the 1999 collapse.

We hope that coastal parliamentarians can support the Fraser River Sockeye Crisis Committee's efforts to bring the needs of B.C.'s coastal communities to the attention of both the provincial government and, in particular, the federal government which has found funds to give four-star restaurant meals, films, and frisbees to illegal migrants who hijacked our refugee process, but which has not yet been able to deliver funds to the fishing community.

HEALTH

LEGISLATION TO PREVENT PREJUDICIAL DONATION OF ORGANS

Hon. Donald H. Oliver: Honourable senators, imagine a Canadian citizen being denied a life-saving heart or kidney transplant simply because they were black or Asian. "Impossible. Never in Canada," you may say. Well, Britain was rocked by a shocking revelation this summer when it was revealed that the U.K. transplant service had apparently accepted donor organs with the stipulation that they only be given to "white" patients.

On a trip to England in early July, a feature article in *The London Times* newspaper caught my attention. The health secretary had recently ordered an investigation into allegations that a family in Sheffield, England had one agreement from the transplant service that a relative's kidneys would only be used if they did not go to a coloured person.

This story gave rise to a flurry of more articles, opinion pieces, and letters to the editor by doctors, health service experts, lawyers, and ordinary citizens. The majority who took the time to write were morally outraged, but apprehensions were voiced by others on the impact of this event on the British health system. Debates raged over the right of organ donors or their relatives to place conditions on the use of organs, and over the ethical policies of health authorities in accepting or refusing organs donated under prejudicial conditions.

Caution was expressed over the notion of placing legislative restrictions on an area of altruistic or charitable gift giving, the fear being that such legislation may dissuade people from donating and thus create further problems for an already serious shortage of organs in Britain.

British law holds that once a person is dead their body is the property of the state, not of the deceased or their family, making any conditions placed on organs by either of these parties null and void. This is not the situation in Canada where past cases have established that failure to comply with the surviving husband's, wife's or next of kin's directions for organ donation may amount to an interference with their right to dispose of the deceased's body as they wish and result in a claim for damages. This means that, should a situation such as that in Sheffield occur in Canada, our laws, in some provinces at least, could legally support it.

In Canada, organ donation rates have also failed to keep pace with the need. We have some of the best transplant facilities and surgeons in the world, but one of the poorest organ donation rates among industrialized countries. According to the Canadian Institute for Health Information, in 1997, 3,072 patients were waiting for organ transplants, an increase of 68 per cent from the 1,830 patients awaiting transplants in 1991. Our donation statistics paint an equally dismal picture. Between the years 1992 and 1996, there was an increase in the amount of available donors by only 22 per cent.

• (1510)

At the end of 1996, there were only 14.1 possible organ donors in Canada per million population.

This April, the House of Commons Standing Committee on Health issued a report entitled, "Organ and Tissue Donation and Transplantation: A Canadian Approach," which recommends several positive ways to change our donor system in Canada.

What the committee did not address is the possibility and the legality of conditional donations such as the one that occurred in the U.K.

A life is a life, whatever the colour of the skin.

This quote in *The Times* was made by a British kidney patient, Mr. Allahadad, in his disgust over the Sheffield case. These are sobering words to hear in a country whose very foundations are grounded in the concept that all people are equal.

Organ donation is a very sensitive issue, but it is clear that we need well-drafted legislation to prevent conditional donations of any kind, be it race, ethnicity or sexual orientation. It would be a sad day indeed to see in our newspaper headlines that a Canadian citizen has been denied a transplant organ because of stipulations made by the donor or the family that are based on race. As legislators, we must ensure that this issue is addressed and resolved so that such a tragedy is never allowed to occur in this land.

THE SENATE

JEANIE W. MORRISON, C.S.R., MANAGER/EDITOR OF DEBATES
AND PUBLICATIONS BRANCH—TRIBUTE ON RETIREMENT

Hon. Jeremiah S. Grafstein: Honourable senators, have you ever wondered where the Senate would be without the printed word? Are we not, after all, merely dealers in words? Where would we be, honourable senators, without the *Debates of the Senate*?

Without the printed word, senators would leave too few footprints in the sands of history. To mix a metaphor, our words would dissolve in ether, relegated to the dustbins of history. Some days, some might say, that would not be such a bad idea.

Still, from time to time we should remind ourselves that the craftsmen and women who sit before us in the well of the Senate every day, our Hansard reporters, serve as our indispensable link to public policy and history.

Jeanie Morrison, Editor of the Debates Branch, is retiring on September 24 next, after a most distinguished career. I thank Richard Greene for bringing her retirement to my attention.

Jeanie joined the Senate in February of 1983. She quickly became senior reporter, in 1989, assistant editor in 1992, and, finally, Manager/Editor of Debates in 1996.

One could not fail to note that she was one of the first two female court reporters to work at the Supreme Court of Ontario before she came to the Senate. When she came to the Senate, she was the first female senior reporter, the first female assistant editor and the first female Editor of Debates at the Senate Hansard.

These many gender 'firsts' pale in comparison to Jeanie's unredoubted skills as a mistress of the English language. When we finish our work here, honourable senators, at the end of each day, the work of the reporters of Hansard has barely begun, and stretches late into the evenings. Jeanie has helped unravel the garbled syntax of my speeches, pointing out that participles should not dangle, that all words should not be capitalized, that a semicolon is sometimes better deployed than a colon, and that a period would simply do where I would tend to place an exclamation mark.

I am sure I speak on behalf of all honourable senators in wishing Jeanie an enjoyable and creative retirement when she leaves us here in the Senate on September 24.

We should remember that Jeanie has shown an interest in the Senate Hansard that goes well beyond professional bounds. Jeanie has been actively involved in the Canadian Hansard Association and the Commonwealth Hansard Editors Association, and has even paid her own way to conferences when the Senate was in the midst of yet another austerity program. In 1997, she was voted editor of the *Canadian Hansard Newsletter*. In every respect, Jeanie has been a superb professional, an exemplar to the staff of Hansard. Without their diligent presence, honourable senators, we would not even leave a footnote to the pages of history.

Rudyard Kipling once wrote:

I am by calling a dealer in words, and words are, of course, the most powerful drugs used by mankind.

Jeanie's work with our words has enhanced the power of the Senate.

May I wish Jeanie Morrison the best of good health, enjoyment in her future travels and assure her of our gratitude by these few words for her superb and unstinting service on behalf of the Senate and all senators.

God speed, Jeanie!

ROUTINE PROCEEDINGS

CANADIAN ENVIRONMENTAL PROTECTION BILL, 1999

REPORT OF COMMITTEE

Hon. Ron Gitter, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, September 9, 1999

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

SEVENTH REPORT

Your Committee, to which was referred the Bill C-32, respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development, has, in obedience to the Order of Reference of Tuesday, June 8, 1999, examined the said Bill and now reports the same without amendment, but with observations which are appended to this report.

Respectfully submitted,

RONALD D. GHITTER
Chair

[Senator Grafstein]

(For text of appendix, see Appendix to today's Journals of the Senate, p. 1843.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Taylor, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

PRIVATE BILL

CANADIAN DISTRICT OF MORAVIAN CHURCH IN AMERICA— REPORT OF COMMITTEE

Hon. Lowell Murray, Chairman of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, September 9, 1999

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

TWENTY-THIRD REPORT

Your committee, to which was referred Bill S-30, to amend the Act of incorporation of the Board of Elders of the Canadian District of the Moravian Church in America, has, in obedience to the Order of Reference of Wednesday, June 16, 1999, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

LOWELL MURRAY
Chairman

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Taylor, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

PARLIAMENT OF CANADA ACT

BILL TO AMEND—FIRST READING

Hon. Jeremiah S. Grafstein presented Bill S-31, to amend the Parliament of Canada Act (Parliamentary Poet Laureate).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Grafstein, bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

[Translation]

THE FRANCOPHONE SUMMIT

YOUTH—POLITICAL DIMENSIONS—NOTICE OF INQUIRY

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that, on September 16 next, I will call the attention of the Senate to the recent Francophone Summit, held in Moncton from September 3 to September 5. The theme of the summit was youth, whose active participation is essential to the future of la Francophonie.

The Summit also looked at la Francophonie's political dimensions, stressing conflict prevention and resolution, the safety of civilian populations, and the strengthening of the rule of law and democracy.

[English]

• (1520)

DISTINCTIONS RECEIVED FROM UNITED KINGDOM BY CANADIANS

NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable Senators, pursuant to rule 56 (1),(2) and 57(2) of the *Rules of the Senate*, I give notice that Tuesday next, I will call the attention of the Senate:

(a) to persons of Canadian birth who sat as members of the House of Commons of the United Kingdom, including Ontario born Edward Blake, Liberal Minister of Justice of Canada 1875-77, also Leader of the Liberal Party of Canada 1880-87, and New Brunswick born Bonar Law, the Rt. Honourable Prime Minister of the United Kingdom 1922-23 and Ontario born Sir Bryant Irvine, Deputy Speaker of the House of Commons of the United Kingdom 1976-82;

(b) to persons of Canadian birth who sat as members of the House of Lords of the United Kingdom, including Richard B. Bennett the Rt. Hon. Prime Minister of Canada 1930-35 and Lord Beaverbrook, Minister in the United Kingdom Cabinet;

(c) to persons of British birth born in the United Kingdom and Colonies who served in the Senate and the House of Commons of Canada, including the Rt. Hon. John Turner Prime Minister 1984 also Liberal Leader of the Opposition 1984-90 and myself, a black female Senator born in the British West Indies;

(d) the Supreme Court of Canada's Chief Justices' memberships in the Privy Council of the United Kingdom and to the appointment of Supreme Court of Canada

Chief Justice the Rt. Hon. Thibauudeau Rinfret to the United Kingdom Privy Council in 1947;

(e) to the many distinguished Canadians who have received honours since 1919 from the King or Queen of Canada including the knighting in 1934 of Sir Lyman Duff, Supreme Court of Canada Chief Justice and in 1935 of Sir Ernest MacMillan, musician and in 1986 of Sir Bryant Irvine, parliamentarian and in 1994 of Sir Neil Shaw, industrialist and in 1994 Sir Conrad Swan advisor to Prime Minister Lester Pearson on the National Flag of Canada;

(f) to the many distinguished Canadians who have received 646 orders and distinctions conferred by foreign non-British-Canadian sovereigns since 1919 and before February 1929;

(g) to the recommendation by the United Kingdom Prime Minister Tony Blair to Her Majesty Queen Elizabeth II, for appointment as a non-hereditary Lord to the House of Lords of Conrad Black a distinguished Canadian entrepreneur publisher and the Honorary Colonel of the Governor General's Foot Guards of Canada;

(h) to the 1919 Nickle Resolution, a motion of the House of Commons of Canada for an address to His Majesty King George V and to Prime Minister R. B. Bennett's 1934 characterization of this Resolution that:

"That was as ineffective in law as it is possible for any group of words to be. It was not only ineffective, but I am sorry to say, it was an affront to the sovereign himself. Every constitutional lawyer, or anyone who has taken the trouble to study this matter realizes that that is what was done.";

(i) to the 1934 words of Prime Minister R. B. Bennett that:

"So long as I remain a citizen of the British Empire and a loyal subject of the King, I do not propose to do otherwise than assume the prerogative rights of the Sovereign to recognize the services of his subjects.";

(j) to the legal and constitutional position of persons of Canadian birth and citizenship, in respect of their abilities and disabilities for membership in the United Kingdom House of Lords and House of Commons, particularly Canadians domiciled in the United Kingdom holding dual citizenship of the United Kingdom and Canada;

(k) to the legal and constitutional position of Canadians at home and abroad in respect of entitlement to receive honours and distinctions from their own Sovereign, Queen Elizabeth II of Canada, and to their position in respect of entitlement to receive honours and distinctions from sovereigns other than their own;

(l) to honours, distinctions, and awards that are not hereditary such as life peerages knighthoods military and chivalrous orders; and

(m) to a sham republicanism which holds that the recognition of one's public service by one's own sovereign in non-hereditary honours is undemocratic and to the systematic historical and constitutional vandalism in Canada's constitutional order the Queen in Parliament.

[Translation]

PUBLIC SECTOR PENSION INVESTMENT BOARD BILL

PRESENTATION OF PETITION

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I have the honour to table a petition signed by 2,927 employees or members of the Canadian Union of Postal Workers, Montreal chapter, asking the Senate to amend Bill C-78 to ensure negotiations over their pension plan begin immediately and, failing that, to encourage the Senate to defeat Bill C-78.

[English]

CANADIAN ENVIRONMENTAL PROTECTION BILL, 1999

PRESENTATION OF PETITIONS

Hon. Willie Adams: Honourable senators, I have the honour to present a series of petitions to the Senate from communities in Nunavut concerning Bill C-32. In presenting the petitions, I am pleased to say that the concerns of northerners have been answered in the report of the Standing Senate Committee on Energy, the Environment and Natural Resources.

I am also happy to say that the Minister of Environment has agreed to work with the Minister of Health to make sure our food is safe to eat. There is still much work to be done but I think the commitments of the ministers and the Senate committee report are a good start.

QUESTION PERIOD

TREASURY BOARD

PUBLIC SERVICE PENSION PLAN BILL— SURPLUS IN FUND— POSSIBILITY OF AMENDMENTS IN THE EVENT OF FAVOURABLE COURT RULING ON JOINT OWNERSHIP

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, my question is for Senator Kirby as Chairman of the Banking, Trade and Commerce Committee. I should like to follow up on the discussion we had yesterday

regarding the status of the \$30-billion surplus and, in particular, its ownership.

Yesterday, the honourable chairman made it quite clear that the legal opinion he had received is that the bill will not affect the ownership of the surplus. In effect, that is correct. However, the bill does set out a formula for the disposal of the surplus as if it were already deemed to be owned by the government. It does not allow for a decision in the courts which would split the ownership between the unions and the government. It assumes that total ownership belongs to the government.

Assuming the courts decide that there is joint ownership of the surplus, will the allocation formula or the phasing-out formula still be applicable or will this bill have to be amended?

Hon. Michael Kirby: Honourable senators, that is essentially a legal question, and as I have said before, I am quite proud of not being a lawyer. Senator Oliver asked a variation on that question yesterday: Does the fact that the bill sets out a formula for applying the surplus, because it assumes that the surplus belongs to the federal government, create an entitlement to the surplus? That was the essence of the honourable senator's question. My answer, on the basis of advice I received from legal counsel to the government, was that it does not create an entitlement.

Senator Lynch-Staunton's question is one to which I do not know the answer: If the courts decide in the future that the government does not, in fact, own the surplus, does that change the mechanisms for dealing with the surplus that are set out in this bill? I presume the answer to that is yes, but I do not know. If the courts rule that the underlying assumption is wrong, then presumably the actions the bill purports to make legal on the basis of the assumptions being valid are also invalid.

• (1530)

Frankly, it is a legal question to which I do not know the answer. I suspect no one can give a definitive answer because it depends on the judgment. Clearly, sections that say how the surplus is to be dealt with if the government owns the surplus, I presume, would need to be changed if the courts ruled that the government does not own the surplus.

Senator Lynch-Staunton: Honourable senators, we can argue about the merits of that point when we get to the actual debate. However, I want clarification for the moment. Allow me to quote to you from Mr. Hornby, who testified before the committee. He is a government lawyer, I believe. He was answering questions regarding two court cases which we discussed yesterday. He said:

They do not deal with a disposition of the surplus, which this bill will deal with if enacted.

Therefore, in those words, the government is saying, in effect, that this bill will take care of the surplus, or the ownership claim will be maintained.

Let me continue.

Senator Kirby: Honourable senators, I must take objection. I am not sure we should be debating the principles of the bill at this point in the proceedings.

It is true that the bill deals with the issue of "disposition" in the sense that if the surplus belongs to the government, a clear plan for dealing with it is proposed. I do not believe that dealing with the disposition of the surplus in any way takes away the right of someone to challenge whether or not the government is entitled to that surplus. That is a totally different question. Disposition deals with a process by which you dispose of something that you own.

The question of whether or not you own it, which is the entitlement question that was appropriately raised yesterday by Senator Oliver, is an issue which will be decided by the courts. My position and the quote read by the Leader of the Opposition are 100 per cent consistent.

Senator Lynch-Staunton: Honourable senators, the interpretation must be clear, in that the government is in effect *de facto* confirming, in this bill, ownership of the surplus, and the bill has three clauses on how the surplus will be phased in or phased out, whatever, over a number of years.

Let me continue with Mr. Hornby's presentation. At the same time he said:

The amortization issue becomes irrelevant once you have disposed of the surplus, which is what this bill will do.

You cannot dispose of the surplus unless the ownership has already been confirmed. You cannot dispose of something you do not own. You are not supposed to, anyway.

Mr. Hornby goes on to say:

That opens the door to someone challenging the disposition of the surplus in this legislation...

That can only imply that if you challenge the act it is because the disposition feature is written by the government in such a way that the ownership is confirmed as being the government's. On the other hand, with the ownership feature being unresolved and eventually left up to the courts to decide, how can Parliament be asked to confirm a formula when that formula may not be applicable should the ownership of the surplus become a joint one, or is not totally that of the Crown?

Senator Kirby: Honourable senators, if one followed the logic of Senator Lynch-Staunton's position, this chamber and the other place would not be able to pass a whole string of legislation. All kinds of legislation gets challenged in the courts as to whether or not it is constitutional or whether it is *ultra vires*. It is not up to this chamber to attempt to resolve the issue of ownership. That will be decided by the courts.

This bill outlines what should happen to the surplus if it is owned by the government. We accept this sort of proposal in this

chamber all the time, and then we discover, for example, that a law is unconstitutional, and therefore we must come back and change the law. We do not attempt to prejudge how the courts will rule on the underlying assumptions of any piece of legislation.

Therefore, I have no difficulty with a position which says that, assuming the government's assumption is correct, this is how they can deal with the surplus and the formula which is set out is consistent with the practice of the Canadian Institute of Chartered Accountants, the Canadian Institute of Actuaries and the Auditor General. The underlying assumption as to whether or not they own the surplus will be challenged in the courts.

However, the fact that that assumption will be challenged in the courts does not stop us from dealing with what will happen if the government wins the court case. If we were to do that, all kinds of legislation would not be dealt with because we would not know whether it is constitutional.

Hon. David Tkachuk: Honourable senators, I wish to clarify this point because, as you know, the committee heard a great deal of testimony on this very issue of ownership. The honourable senator mentioned that we would not be able to pass any bill. It is a little different in this case because there are already two existing cases known by the name of *Krause* as we were told in testimony by Mr. Hornby. They are challenging the right of the amortization of the surplus.

By this bill the government is attempting to dispose of the surplus so that it cannot be amortized and, therefore, as the lawyer said, make their cases moot. That is exactly what the government tried to do with the Pearson airport agreements. There is a challenge to the disposition of the surplus, not the ownership of the surplus. That is the big difference. With this legislation the government is disposing of the surplus, thereby, making that challenge on how it is amortized moot, and taking their right to go to court away. That is why we on this side of the house always had problems with how that \$30 billion was dealt with.

I should like the committee chairman to comment on that point, because Mr. Hornby makes it quite clear that the legislation will make those two court cases moot.

Senator Kirby: Honourable senators, I would be happy to comment on it because I love debating with the members opposite. However, I do find it odd to be engaging in a debate on Bill C-78 during Question Period. I believe His Honour ought to consider that at some point.

Let me make two points in response to the question. First of all, the cases are actually challenging the pension accounting practices of the government. They are not challenging the issue of the surplus itself, as you pointed out. Bill C-78 does not prevent the plaintiffs in these two cases from pursuing the issue before the courts.

The honourable senator has referred to the evidence presented to us. — there has been some conflicting evidence as to whether or not this legislation makes those two cases moot. I will not pass a legal judgment on that evidence but there is some question as to whether it makes the cases moot. It certainly does not prevent them from pursuing the cases.

IMMIGRATION

ILLEGAL MIGRANTS—REQUEST BY BRITISH COLUMBIA FOR FEDERAL FUNDING—GOVERNMENT POSITION

Hon. Pat Carney: Honourable senators, my question is addressed to the Leader of the Government in the Senate.

Immigration Canada is planning to expand the detention centre program at Canadian Forces Base Esquimalt, a pleasant garden suburb of Victoria, for the next boatload of illegal migrants from China, who are expected today. Media reports indicate that the Immigration Canada welcome wagon has given these illegal migrants films, Frisbees, footballs, four-star restaurant Chinese food and Chinese games, as well as medical services and clothing, at a cost so far of \$1.2 million, plus legal costs, which are draining the province's legal aid funds.

The federal and provincial governments are meeting today, in Victoria, to discuss the province's request for federal funding to offset the estimated \$2 million per month that it is spending on handling the migrants, including providing social assistance, legal aid, and 24-hour care for the juveniles who arrived on the boats. The province suggests that this could total as much as \$25 million.

• (1540)

Could the Leader of the Government tell us what is the federal government's position on British Columbia's request for federal funding?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, both Government of British Columbia and Government of Canada officials are monitoring and discussing the situation. As was indicated by Senator Carney, another vessel has been sighted off the West Coast of Canada. The matter certainly requires a review by Canadian and British Columbia authorities and, indeed, by Chinese representatives. I understand that those discussions are underway at the present time.

With respect to the so-called hand-outs to which Senator Carney referred, I do not know whether honourable senators would agree that this is appropriate. However, at the present time under our immigration laws these people are entitled to apply for refugee status when they land on our shores. How they are treated is up to the individuals and organizations who receive them, and further examination of the situation is very appropriate.

Canadians from coast to coast have expressed concern about the situation. I hope that a resolution will be brought forward very soon.

Senator Carney: Honourable senators, the leader of my party, the Right Honourable Joe Clark, has written the Minister of Immigration urging that the regulations surrounding this issue be tightened. One of his suggestions is that the Immigration Act be amended to allow Canadian authorities to turn back rogue vessels at sea before they reach shore, provided their operating condition is safe. This is a position that the Conservative Party proposed in 1987 and which was blocked by the Liberal Party at the time.

It is important to note that there are numerous reports circulating in British Columbia that many other boats have reached the shores of British Columbia and that the Liberal government only responded after the arrival of the last three or four boats.

Can the minister share with us the knowledge, which I am sure he has, as to how many boats suspected of containing illegal migrants have been spotted off the shores of British Columbia?

Senator Graham: Honourable senators, I have no information other than the information mentioned by Senator Carney. From where she lives, she is able to spot the boats much faster than someone like myself who resides on the East Coast. I know it is a serious matter. I am not aware that immigration authorities have indicated to my colleagues that other boats subsequent to the first three have landed. Indeed, in the past refugees have landed on the shores of Nova Scotia.

Several federal departments are working together to respond to the arrival of additional boats.

It has become clear in recent years that organized smuggling activity in this area is increasing, not only in Canada but worldwide. This is an international problem which requires international solutions. Human smuggling is a cause of great concern. It involves an abuse of Canada's laws and it risks human life. We must find a long-term solution that will address this abuse of this system.

JUSTICE

PROSECUTION OF SMUGGLERS OF ILLEGAL MIGRANTS

Hon. Donald H. Oliver: Honourable senators, I should like to know if the Leader of the Government in the Senate is familiar with a report which appeared in yesterday's *Globe and Mail*. About the migrants it states that:

Most told authorities they paid smugglers or "snakeheads" between \$5,000 and \$6,000 (U.S.) as a down payment for a voyage on the ship to North America and were indentured to work off at least another \$20,000 to \$30,000 once here —

When can Canadians expect the prosecution of these smugglers? Further, if they are found to be guilty of human smuggling, will they be made to serve time in a Canadian or a Chinese jail?

Hon. B. Alasdair Graham (Leader of the Government): As I indicated, honourable senators, there are ongoing discussions between Chinese and Canadian authorities. The Chinese authorities have indicated that these so-called refugees should be returned to China.

All Canadians are concerned with this particular problem, whether they be British Columbians, Nova Scotians or Newfoundlanders.

Senator Carney: British Columbians are paying for it.

Senator Graham: Currently over one-half of the in-Canada claimants from China have abandoned their refugee claims. That is a significant proportion of in-Canada claimants from China seeking surreptitious entry to the U.S., something which affects our bilateral relations with both the United States and with China. As honourable senators know, the People's Republic of China has become the primary source of both in-Canada refugee claimants as well as improperly documented arrivals at Canada's airports.

The significant irregular movement from China is likely to continue as long as immediate release at Canada's airports offers the dual advantages of access to Canada's refugee system and the U.S. border. I take seriously the concerns that have been referred to by both Senators Carney and Oliver.

With respect to the down payment and the payments which must be made later, I regard the later payments as a more serious problem because of how these people will be treated and used by organized crime.

FOREIGN AFFAIRS

CONFLICT IN EAST TIMOR—PROPOSED INTERNATIONAL PEACEKEEPING FORCE—ACCEPTANCE BY INDONESIA

Hon. Douglas Roche: Honourable senators, my question is directed to the Leader of the Government in the Senate.

It was reported today that Foreign Minister Lloyd Axworthy has launched a Canadian initiative for an international presence in East Timor under a United Nations mandate with Indonesian cooperation. I should like to congratulate Mr. Axworthy for this step to bring to an end the terrible carnage in East Timor.

Has there been an assurance that Indonesia will cooperate? When will this international force become operative?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, first, I would say that we are not aware, as

yet, that Indonesia will cooperate. It is true that Foreign Affairs Minister Axworthy initiated a meeting with foreign ministers from some 18 to 20 other countries. I understand this took place on the margins of the APEC summit in New Zealand.

I understand there will be representation there from the United States, Canada, Russia, and approximately 16 or 17 other countries.

The UN envoy and the delegation from the Security Council met in Jakarta yesterday. I understand that they will be going to East Timor tomorrow. They will then return to the United Nations in New York and give their report to the Security Council. It is hoped, generally, that a meeting of the Security Council will be held forthwith to deal with the recommendations, resulting from the UN representation that went to Indonesia and to East Timor.

• (1550)

The problem has been complicated by the fact that there are approximately 100,000 displaced people in East Timor and 70,000 people who have moved to West Timor. We would need the cooperation of the Indonesian government and the UN Security Council. Minister Axworthy is urging the Indonesian government to take control of the situation in East Timor.

The Hon. the Speaker: Honourable senators, we are developing quite a problem. I have presently seven names on my list and we have only 10 minutes left for Question Period. I will follow the list that I have, but I ask you to make your questions brief and I ask the minister to make his replies brief.

[Translation]

TRANSPORT AND COMMUNICATIONS

PRIVATE SECTOR PROPOSAL TO ACQUIRE AIR CANADA AND CANADIAN AIRLINES—POSSIBILITY OF REVIEW BY STANDING COMMITTEE—GOVERNMENT POSITION

Hon. Marcel Prud'homme: Honourable senators, my question is for the Leader of the Government in the Senate. It is a question of the utmost interest in Quebec and I do not see any discussion of it within political institutions.

The Onex proposal to take over and merge Air Canada and Canadian Airlines is making all the headlines in Quebec, and most of the press is negative. It involves the survival of a major institution in Montreal representing close to 7,000 employees.

Will the minister agree to refer this question to the transport committee so that we may know exactly what is involved and make recommendations before a final decision is taken? It would be a disaster.

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, first, it is open to any senator and, in particular, the Standing Senate Committee on Transport and Communications, to undertake an examination of any subject, including the proposal by Onex. I do not wish to speak for the Chairman of the Transport and Communications Committee or for the members of the committee. It certainly would be open to any honourable senator to raise an inquiry to examine this matter, apart from any work of the Transport and Communications Committee may decide to undertake.

Senator Prud'homme: Honourable senators, I have a supplementary question. I wish the Leader of the Government in the Senate would read the letter by Clifford Lincoln, a prominent member of the Quebec Liberal caucus. I am rather surprised that the Quebec caucus has not seen fit yet to meet on this important issue which deals with the economy in Quebec. Could the leader personally take the initiative of asking either the chairman or the Transport and Communications Committee to look into it?

Senator Graham: Honourable senators, I cannot give such a direction to a committee. An order of the Senate is necessary to direct a committee to undertake a particular study. However, the suggestion to the Standing Senate Committee on Transport and Communications could come from Senator Prud'homme, or from any honourable senator in the chamber.

Senator Prud'homme: I am not a member of any committee.

Senator Graham: I am sure there are members of the committee here. Senator Poulin is the chair of the committee at the present time and Senator Forrestall is the deputy chairman of the committee. You have two prominent members of the committee who have heard the representations that you have made. I would not stand in the way of an undertaking of any such study nor would I have the authority to do so.

TRANSPORT

PRIVATE SECTOR PROPOSAL TO PURCHASE AIR CANADA— TABLING OF ORDER IN COUNCIL AUTHORIZING DISCUSSIONS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a supplementary question regarding a very important subject-matter. I remind the minister that under section 47 of the Canada Transportation Act the government issued the 90-day order providing the authority for the parties involved to negotiate with each other and for the competition provisions not to apply. There is a 90-day period within which to carry on discussions.

As we mentioned the other day, section 47 (4) — and, Senator Prud'homme will be interested in this — provides that the minister, who, in this instance, is the Minister of Transport, "shall cause any order made under this section to be laid before both Houses of Parliament within seven sitting days after the order is made."

[Senator Prud'homme]

We sat on Tuesday and Wednesday, and it is now Thursday. We have sat three days and we are sitting tomorrow. That is four days. Could we get from the Leader of the Government in the Senate the undertaking that that order will be tabled in this house tomorrow or Monday at the latest? I should also like to refer honourable senators to section 47(5), which states:

Every order laid before Parliament under subsection (4) shall be referred for review to the Standing committee designated by Parliament for the purpose.

Honourable senators, where we have a statutory provision that lays out what is required, would the minister not agree that we could expedite things by simply having that order tabled in the Senate and sent off to our Standing Senate Committee on Transport and Communications?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, it is the intention of the government to live up to the requirement of the Canada Transportation Act and to table the Order in Council in both Houses of Parliament within the seven-day period that is provided for in the order.

Senator Kinsella: Will the minister table it before Monday of next week?

Senator Graham: Honourable senators, I shall endeavour to be in communication with the Minister of Transport. I know it is his intention to table it within the required period. While I am not aware when he would do so, I am certain he will do it at the most appropriate time.

Senator Kinsella: Honourable senators, whose responsibility is it, then, to table that order in this house? The Minister of Transport is not a member of this house.

Senator Graham: The Leader of the Government in the Senate would be the responsible authority to table the document in this house, honourable senators.

Senator Kinsella: Will you undertake to have it tabled?

Senator Graham: I will undertake to have it tabled as soon as possible.

NATIONAL DEFENCE

POSSIBLE EFFECT OF BUDGET CUTS ON FUTURE OF SNOWBIRDS—GOVERNMENT POSITION

Hon. A. Raynell Andreychuk: Honourable senators, there have been rumours in the newspapers, and I would like some assurance from the Leader of the Government in the Senate that these are rumours are unwarranted. Canada has very few symbols that unify and show our excellence and teamwork. The Snowbirds are certainly a classic example of that. They have an international reputation.

Would the Leader of the Government assure me that there is no move to cancel and disband the Snowbirds?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I wish to assure the honourable senator that there is no move on the part of the government to cancel, dismantle or disband the Snowbirds. In the course of examining its various budgets and sections the officials of the Department of National Defence will naturally review every section and every service that falls under its purview. That is done in the normal course of events.

• (1600)

The fact that the Snowbirds are treated as heroes and as great symbols of our life as Canadians, not only at home but in other parts of the world, has caught the imagination of Canadians from coast to coast. Indeed, the Prime Minister was asked to comment on this subject yesterday. In summary, he indicated, I believe, that this was placed in the window by officials at the Department of National Defence as something that might be cut as a trade-off for something else. That is my interpretation of the Prime Minister's response.

No one in the government or at the cabinet table, of whom I am aware, would want to eliminate such a potent and grand symbol of Canada and the excellence of our armed forces.

[Translation]

Hon. Fernand Robichaud (The Hon. the Acting Speaker): Honourable senators, the period set aside for questions has now expired. Two other senators would like to ask questions. Is leave granted to extend question period?

Hon. Senators: Agreed.

[English]

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, we grant leave for those two particular senators to ask their questions. I assume we are referring to Senator Andreychuk and Senator Forrestall.

The Hon. the Acting Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Andreychuk: Honourable senators, by way of supplementary, I am well aware of the departmental discretion on these issues, but with the cut-backs that have been visited upon the department, will the government ensure that there will be sufficient funds and sufficient support for the Snowbirds, which I think is within your mandate to do?

Senator Graham: It is not within my mandate, honourable senators, but certainly we will await with great interest the recommendation of the Minister of National Defence and how those recommendations are received by the Minister of Finance,

the President of the Treasury Board and others who deal with such expenditures.

TRANSPORT

POSSIBILITY OF CONFERENCE OF MINISTERS OF TRANSPORT ON HIGHWAY SAFETY—GOVERNMENT POSITION

Hon. J. Michael Forrestall: Honourable senators, the special committee of this chamber on transportation, safety and security is about to finish the air and marine side of its work, and we will turn very shortly to highway safety. In that regard, the Leader of the Government in the Senate may not feel responsibility, but the members of this chamber hold him responsible for all aspects of government. If the government is good, he can take credit; if it is bad, he will get the blame.

Can the government leader tell us whether the government is giving any consideration through conference with ministers of transport across the country to special initiatives to tackle the carnage that exists on Canada's highways? Our committee had been seized and is very alarmed about what seems to be a spreading and growing number of serious incidents, such as the one that occurred on Highway 401 recently. As well, the minister will be aware of the difficulties we have in our own province of Nova Scotia with Highway 101 and the carnage there. Are there any initiatives in the immediate future?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I can assure you that this matter has no greater champion than the Minister of Transport himself, my colleague the Honourable David Collenette, who has some special plans for improving our highway system across the country. This is uppermost in his mind. He has put forward some forceful arguments in favour of improving our highway system. I am sure that we will be hearing more about this in the not-too-distant future.

ENVIRONMENT

CAPE BRETON, NOVA SCOTIA—SYDNEY STEEL CORPORATION TAR PONDS—TIMETABLE FOR CLEAN-UP

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate and relates to North America's largest toxic waste site, the infamous Sydney Tar Ponds located in Cape Breton, Nova Scotia.

We and the majority of Canadians are aware of these "tar ponds" which, according to the Sierra Club of Canada, contain over 700,000 tonnes of toxic sludge generated by Sydney Steel.

I ask the minister, what is the government doing to clean up this site, which constitutes a major health hazard to women, children and residents of Cape Breton? How much in the way of funds have been committed to the clean-up initiative? Finally, when will the residents of the Sydney area, who have been waiting for well over a decade, be assured that this problem is actually being resolved?

Hon. B. Alasdair Graham (Leader of the Government):

Honourable senators, I thank the Honourable Senator Oliver for his question. It is one that is sometimes too often ignored by people in the rest of the country.

I was the first employee on the ground of the Cape Breton Development Corporation, Devco, in a temporary building, which was about the length of the Senate chamber away from the tar ponds. This was the temporary location for a period of one or two years, so I am quite conscious of the situation.

I have visited with the people and met with the democratically elected joint action group, which is the operating body agreed to by all three levels of government — the Cape Breton Regional Municipality, the province and the federal government. Many meetings have been held.

Last year, we received a memorandum of understanding signed by the joint action group. That was subsequently signed by representatives of the provincial government, then premier Russell MacLellan, the provincial ministers responsible, as well as the then federal minister for the environment, the Honourable Christine Stewart. She came all the way from Japan on a weekend to sign the document, and Minister Allan Rock, the Minister of Health, came from Regina to sign. That set in process the next steps, which were to provide for federal and provincial funding to get the next stage underway.

Earlier this year, we announced that \$64 million — 70 per cent federal, 30 per cent provincial — had been set aside to provide for this stage of the elimination of what is considered to be the worst environmental disaster in all of North America.

I thank the honourable senator for bringing that to our attention.

Senator Oliver: When will the work begin?

Senator Graham: No one has yet come up with the perfect technology as to what should be done to handle this particular situation. I assure my friend that in the most democratic process, the joint action group is working assiduously every day. They are meeting on a weekly basis and consulting with representatives of the provincial and federal governments. The federal government has senior representatives from both the Department of the Environment and the Department of Health monitoring the situation and participating in the discussions on a regular basis. As a matter of fact, two of those officials are actually members of the joint action group board.

PUBLIC SECTOR PENSION INVESTMENT BOARD BILL**PRESENTATION OF PETITION**

Leave having been given to revert to Presentation of Petitions:

Hon. Ethel Cochrane: Honourable senators, I have the honour to present to the Senate a petition from my province containing 34 signatures, and with letters from 99 residents of Newfoundland and Labrador. They urge senators to amend Bill C-78 to ensure that negotiations over their pensions begin immediately or, failing that, to consider defeating Bill C-78.

ORDERS OF THE DAY**PUBLIC SECTOR PENSION INVESTMENT BOARD BILL****THIRD READING—DEBATE CONTINUED**

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Sibbeston, for the third reading of Bill C-78, to establish the Public Sector Pension Investment Board, to amend the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the Royal Canadian Mounted Police Superannuation Act, the Defence Services Pension Continuation Act, the Royal Canadian Mounted Police Pension Continuation Act, the Members of Parliament Retiring Allowances Act and the Canada Post Corporation Act and to make a consequential amendment to another Act.

Hon. Terry Stratton: Honourable senators, over the years there has been no end of debate about who owns the surplus of employee pension plans. Recently, the principle has emerged that, in the absence of clear evidence to the contrary, an employer's pension plan contributions are part of the overall benefit package and the employer cannot simply step in and grab the surplus. Just last year, Parliament decreed that if a plan does not spell out who owns the surplus, employers cannot touch the surplus in their company plan unless the plan members agree.

Why does the government not apply the Pension Benefit Standards Act to itself? I could see the government's logic if it had awarded the surplus in private sector pensions to employers and then proceeded in the same way itself, although I would not agree with it. I could see the logic if those whom the government employs directly were treated in the same way as those whom it employs indirectly through Crown corporations such as CMHC. What is the logic of one law for the private sector and Crown corporations and another for the government itself?

The government tells us that its situation is different, and that it somehow has the legal right to claim the surplus in the plan of the military, the RCMP and the public service. They tell us that they have made up the deficits in the past, and that this justifies the taking of the surplus now.

Honourable senators, private sector employers would also find themselves making up deficits, especially when the deficits arise from compensation decisions. If a company decides to improve its pension plan and then to apply those improvements to service that has already been accrued, then its pension plan would be in a deficit position, and the company would have to fund that deficit. They could not then go to court at a later time and say that they had a deficit to make up when they improved the plan, and therefore the surplus belongs to the company.

The government tells us that the situation is unique because it alone is assuming all the risks. How often do you hear of a private sector pension failing to meet its liabilities? Today there are too many safeguards built into the system; indeed, better safeguards than have been set for this plan. The risk level is too low to be a factor in this debate.

Honourable senators, the government tells us that, in the past, it has put \$13 billion into the plan to make up deficits, offering this as proof that it alone has been responsible for all the risks in the past. Thus it has full legal claim on the \$30 billion now in the fund, plus the \$11 billion it has already taken out.

Let us take a closer look at that claim. Of the \$13 billion in deficits which accrued in the past, \$8 billion were the direct result of the government's decision to introduce indexing. A conscious decision by the employer to change its overall pension package is not the same as the assumption of risk, since the employer is fully aware at the time that more money must be put into the plan to meet the added costs. The balance of the deficit results from crediting interest to the account prior to 1967 at a rate of only 4 per cent, far below even long-term government bond yields.

Honourable senators, on this point, the testimony of Mr. John Fitzpatrick is worth noting. Mr. Fitzpatrick was with the Professional Institute of the Public Service back in the late 1960s when the government moved to index the pension plan and to change the way in which interest was charged to the account following the recommendation of the joint House and Senate Bourget-Richard committee. He told us:

...risk-bearing and Treasury Board policy is interrelated. It is hard to define one without having some knowledge of the other.

Prior to 1967, Treasury Board policy on interest rates was to follow a so-called actuarial rate of interest. As far as the market is concerned, it is a fictitious rate but it does have a basis. The rate of interest charged to the account was 1 per cent per quarter, or 4 per cent per year.

Basically, what happened when that interest rate was applied consecutively over the years, was that it proved to be too low and deficits occurred.

Honourable senators, surely the government was aware that its decision to use the plan as a source of deep-discount financing would create a deficit. We have a deficit arising from deliberate policy decisions. This does not constitute the assumption of risk.

Nor has the government faced those deficits alone. The public service unions pointed out in testimony that they have agreed to the premium increases at times when the plan was in deficit. Their contribution rates went up by a full percentage point to deal with the deficit caused by the introduction of indexing. The plan now has a surplus but, instead of going down, their contribution rates will go up.

The government tells us that it has legal opinions to say that it owns the surplus. The unions tell us that they, too, have legal opinions to say that the employees own the surplus, based on the government's own documents which make it clear that the pension plan is part of the overall compensation package. If the government already owns the surplus, why does it need this bill to take it?

Honourable senators, we ought to debate not just the matter of who owns the surplus but the entire nature of the plan. There are two different kinds of pension plans: First, there are money-purchase plans in which the contributor receives an annuity based on the value of the money in his or her pension account. Second, there are defined-benefit plans where the pensioner is promised a certain pension benefit at the time of employment, in accordance with a formula that reflects salary and years of service. At least on the surface, this is the public service plan.

The government tells us that the employees will be paid the money that they have been promised, and thus the surplus is not theirs. However, if you look closer, you will find that this is not a true defined benefit plan in the traditional sense. It would be more accurate to call it a semi-defined plan in which the employer controls both the benefits and the contribution rate.

Sixteen years ago, as part of the "6 and 5" program, the government scaled back the rate of pension increase set out in law for the plan. No private sector employer can mess around with the company pension plan by cutting benefits to current retirees, but the government did.

Indeed, in defending the 6 and 5 legislation, Herb Gray, the then president of Treasury Board, said at page 21,300 of the House of Commons Hansard, on December 6, 1982:

It would be more realistic to view such pension arrangements as being long-term but, at the same time, flexible and involving the employer and generations of employees, where changes can be made in the relevant legislation to reflect varying economic circumstances.

Senator Olson, the then leader of the government in the Senate, repeated much the same thing when he spoke to the bill about a month later.

Now, fast-forward to 1999. The same thing happened again. Sharon Hamilton of the Treasury Board's pension division essentially told the Banking Committee last June 10 that if the government were facing a similar economic situation, it may not exempt certain government programs. This tells me that the pensions of the public servants and members of the RCMP and military are not secure. They may or may not be given what they have been promised. The government is assuming no risk at all. The argument that the government owns the surplus because it owns the risk is bogus. However, the employees face another risk — the risk that the government may again break its word, and not pay them what they have been promised.

• (1620)

No private sector employer has the right to tell its pensioned employees, "Sorry, we are going to scale back your pensions because we need to appease our shareholders who are threatening to vote for a new management team." The employer cannot mess with benefits already promised and cannot use contributions as a source of cheap working capital. Very simply, the government's arguments do not hold water.

The surplus has been built up in recent years because the contributions far exceeded what was needed to keep the plan solvent. If you assume 2 or 3 per cent annual wage increases when salaries are frozen for six years, you will build up a huge surplus.

About 40 per cent of that \$30 billion came off the paycheques of government employees who thought that all their contributions were going toward their pension plan. No one ever told them that they were also paying a special tax that Ottawa would then take to help pay for "Hotel Shawinigan."

Honourable senators, over and above the issue of who owns the current surplus is the issue of who would own any future surpluses and who would cover any future deficits. My understanding is that the employees and the government were willing to share in the management of the plan and to have joint ownership of any future surpluses or deficits.

The sticking point is the past surplus. It is vital that this be sorted out; otherwise, given the latitude that this bill gives the minister to set premiums, there is a very real danger that premiums could be set in such a way that the plan is always

running up a sizeable surplus that the government of the day can later scoop up as its own.

The government has implied that the surplus withdrawal clauses in this bill are based on a recommendation from the Auditor General. His was not a legal opinion on ownership of the surplus, rather, it was an accounting opinion on whether or not the government's practices reflected the standards of the public accounting and auditing board. He said, in his observations on the 1996-97 Public Accounts, that accounting changes "can be done under existing provisions of the Financial Administration Act." Why then are these clauses in the bill? Are they there perhaps to strengthen the government's legal hand in a court case that, regardless of what it says publicly, is less than a slam dunk?

Honourable senators, the government ought to treat its employees the same way it expects other employers to treat theirs. These clauses allowing the government to strip the pension surplus should be struck from the bill. We should give the government time to contemplate this and do something about it.

MOTION IN AMENDMENT

Hon. Terry Stratton: Therefore, I move, seconded by the Honourable Senator Tkachuk:

That this bill be not now read the third time but that it be read the third time on March 9, 2000, or so soon thereafter as the Senate is sitting.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Acting Speaker: Will those in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Acting Speaker: Will those opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Acting Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen.

The Hon. the Acting Speaker: Call in the senators.

The whips have agreed that the vote will be held at 5:25 p.m. The bells will ring for one hour.

• (1720)

Motion in amendment negated on the following division:

YEAS

THE HONOURABLE SENATORS

Andreychuk	LeBreton
Atkins	Lynch-Staunton
Beaudoin	Murray
Bolduc	Nolin
Buchanan	Oliver
Cochrane	Rivest
DeWare	Roberge
Di Nino	Robertson
Doody	Roche
Ghitter	Rossiter
Kelleher	Simard
Keon	Stratton
Kinsella	Tkachuk—27
Lawson	

NAYS

THE HONOURABLE SENATORS

Adams	Kirby
Austin	Kolber
Bryden	Kroft
Callbeck	Lewis
Carstairs	Losier-Cool
Chalifoux	Maheu
Christensen	Mahovolich
Cook	Mercier
Cools	Milne
Corbin	Pearson
De Bané	Pépin
Fairbairn	Perry
Ferretti Barth	Poulin
Finestone	Poy
Finnerty	Robichaud
Fitzpatrick	(<i>Saint-Louis-de-Kent</i>)
Fraser	Rompkey
Furey	Ruck
Gill	Sibbeston
Graham	Sparrow
Hays	Stewart
Hervieux-Payette	Taylor
Joyal	Watt—46
Kenny	

ABSTENTIONS

THE HONOURABLE SENATORS

Prud'homme—1

The Hon. the Speaker: The question now before the Senate is the third reading of Bill C-78.

Hon. Nicholas W. Taylor: Honourable senators, I wish to make a short comment. I was one of the senators who was critical of the bill before it was sent to committee. I have now had a chance to not only appear at the committee but also to read the committee report.

I wish to go on record as saying that, although Bill C-78 is not a perfect bill, the comments of the committee members as to the ownership of the surplus, which was mentioned not only in the body of the report but also in the questioning of Senator Kirby, has convinced me that there is a chance that the government will heed the committee and portion out the apparent surplus in some equitable way down the road.

My other concern was the creation of a two-class system or, in fact, discrimination against those potential pension recipients whose partner is homosexual. In other words, the line would be drawn between those who had sexual relations that the government could bank on and those, apparently, who did not. In other words, if the nation could not find a bedroom, you could not get a pension.

• (1730)

The committee has recommended that the government consider extending benefits to those living in situations characterized by economic dependence, not only to those in conjugal relationships. I think that statement could have been stronger, but at least we are edging into an area which most Canadians seem to be afraid to tackle. Since Victorian times, we have not been allowed to mention sex, but it appears that now you cannot do anything unless you do mention it. I do not want to sound Victorian, but I would like to go back to the era where sexual relationships did not enter into whether or not you could be a recipient of survivor benefits.

That being said, I would inform honourable senators that I will grudgingly support the bill.

Hon. David Tkachuk: Honourable senators, may I ask the honourable senator a question?

Senator Taylor: Certainly.

Senator Tkachuk: If I remember correctly, Senator Taylor had not only expressed some concern about this issue but had also even discussed proposing amendments. Perhaps the honourable senator might explain to the Senate chamber what the intentions of those amendments were that he wanted to bring to the committee but in the end decided against. I am sure all honourable senators would like to hear what those amendments would have been.

Senator Taylor: Honourable senators, there are countries around the world that have taken sex out of the interpretation of survivor benefits. I wanted a Commonwealth example and the researchers found one in the Province of New South Wales. However, after considering an amendment that would have followed that example, we found it would have entailed changing the bill in 11 places. I cannot imagine getting the bureaucracy to change a bill in 11 places so quickly.

In addition, marriage and property laws in Canada have the added problem of provincial and federal interplay.

Lastly, the amendment that I did not introduce had a problem with regard to cost. Some people argued that, if we included two sisters, two brothers, an uncle and a nephew, and so on in the definition of "relationship" — "domestic partnership" was the phrase the Australians used — we would be inundated with people claiming pensions who had not heretofore done so. However, after checking with the government and with actuaries, I found out there is really no such thing as an unclaimed pension. Someone will appear out of the woodwork somewhere down the line to claim it. Giving a pension to a survivor in a domestic partnership that had no sexual connotations whatsoever would not result in an extra cost, but that was not something I was prepared to recommend.

I think the legislation in New South Wales is very good legislation, but this is not the place to try to do it.

Hon. Edward M. Lawson: Honourable senators, I have a few brief comments on the matter before us. Military representatives put forward an interesting submission. They talked about the government's claim that it was actually contributing to the public service superannuation fund on behalf of the members because the government's contributions constituted part of the public servants' overall remuneration package, and therefore had to be taken into account in assessing pay levels. They asked: Would it not then be morally indefensible not to use that part of the surplus for the benefit of the plan members?

It is not unusual in labour negotiations for the employer to put forward an offer of a certain percentage increase and then to suggest that it can be taken as pension, as health and welfare benefits, or as an increase in pay. I have been involved in lots of negotiations where the employer has said, "I will tell you up front, we will give you 8 per cent over two years. Take it in pension, or take it salary; we do not care."

On one occasion, we put the whole amount in the pension plan because we could cover past service, and thus cover people who

were not getting as much pension as they should, as well as future benefits. If a few years later the employer had said, "By the way, since we were covering this or covering that, we have decided to take all that back because you have a surplus in your fund," two things would have happened. First, we would have had them in court the next day, and, second, so that we could hear what the judge would have to say, we probably would have shut the place down the same day. There would have been a wildcat strike because the employees would not have tolerated that theft of their pension funds.

Honourable senators, I should like to give you two brief excerpts from letters I have received. The first is from the Vancouver branch of the Federal Superannuates National Association. That association has 4,800 members in my province, British Columbia, and about 100,000 members nationally, from the public service, the Canadian forces and the RCMP. One paragraph sums up their feeling very well. It reads as follows:

By unilaterally deciding on the disposition of the pension surplus, the Government is being unjust and unethical, destroying a partnership that has existed between the Government, the pensioners and the employees. The surplus resulted from contributions from former employees, current employees and from the Government as part of the employees' total compensation package.

That is pretty clear.

When arguing about the pension surplus during negotiations, government officials told the unions that the employees could not have been responsible for more than 30 per cent of the surplus. If that is the case, why did the committee not do the right thing, that is, accept the government's position and set 30 per cent of the surplus aside?

I enjoyed Senator Kirby's exchange with Senator Lynch-Staunton about fairness. Senator Kirby said the union had a chance to go to court and have the matter decided and that what the committee was doing was setting the stage for justice and not doing anything to tip the scales. I never heard such nonsense. We are recommending that the government take the entire surplus and we are going to authorize them to dispose of it as they see fit, so how can he say that we are not tipping the scales of justice? By this action, they are not merely tipping the scales, they are sending them crashing to the ground. If the Senate committee was supposed to be engaged in a neutral, fair, and impartial analysis of this, fairness would demand that we would recommend that the status quo regarding the surplus remains until, as Senator Kirby said so eloquently, the issue is decided by the courts.

Let the courts decide. Give them a chance to do that. The government lawyers are already writing their opening statement to the courts. They will say, "Your honours, why are we here? Both Houses of Parliament, including the Senate after sober second thought, have concluded that we are entitled to the entire surplus. Not only that, they have authorized us to dispose of it."

With kindness, I say to Senator Kirby that he is not a fair, balanced chairman. He is the driver of the getaway car in a pension heist.

There is another issue we might consider. A recent Supreme Court decision found that the RCMP did not have legal bargaining rights. They are a paramilitary organization. That places a heavy burden on them, and an even greater burden on the government and Parliament because we now have a duty and a responsibility to protect their rights.

• (1740)

I previously raised the issue regarding 1,800 RCMP widows. I enjoyed reading in the paper today that we have a new Governor General. Is it not wonderful that we can have two for the price of one? I refer to the new Governor General and her husband. That is not a new or a novel idea. These 1,800 RCMP widows were in a two-for-one situation in rural out-posts. When the RCMP husband was out doing his job, the wife was at home cooking for prisoners or running the office. Somehow along the way these widows fell between the cracks. These 1,800 widows receive no pension.

Yet, they do have something. The government and the bureaucrats are not without a heart. They wrote a letter to the Mounties stating, "It will come as a traumatic shock to your spouses to be told that they will have no pension once you are dead. Please prepare them for the news by telling them now." What kind of heartless bureaucrat could be responsible for that? Why did our committee not recommend the establishment of a pension fairness fund? Since we are not prepared to do the fair thing and keep the surplus intact, why did we not suggest taking, say, 5 or 10 per cent, or \$2 billion or \$3 billion, and establishing a fund called a "pension fairness fund"?

Senators from all sides have received complaints, as have I, from retirees' associations, the military, the Mounties and so on, regarding those who do not have a fair pension or, in fact, have no pension at all. What would have been wrong with setting up a committee of the Senate, a committee of fair-minded people who know and understand pensions and setting a certain amount of money aside? Then those responsible could advertise this fact for three years to give people time to make their claims. They could deal fairly and equitably with those people. When all the claims had been dealt with, then we could dispose of the surplus in whatever manner we deem fit at that time.

Today I listened to the exchange concerning the illegal immigrants who have arrived on our shores and whose passage, allegedly, was organized by Chinese gangs. Once they arrive on our shores, they receive health care coverage, clothing, food, about which they complain, legal advice and medical attention. They are given everything. What about these widows and others who are living in poverty with no pension? It must be a real comfort to them to know what is happening to strangers on our shores. I do not disagree with the minister when he says that we have no choice. The Charter of Rights demands that we do that. Does the Charter of Rights not demand that we care about

Canadians who have given a lifetime of service to the government and their country? If not, why not? Where is the compassion and fairness when it comes to that? The government's position and the minister's position is that there will be no negotiations. The representatives of the unions representing the employees want their share of the pension. They dare to ask for fairness.

When it comes to fairness on the part of the minister, I think the minister is down a quart. There is something very wrong when we can sit here and be expected to approve the raping and pillaging of the \$30-billion surplus, even if you set aside what the government spokesman said about the employees' share being 30 per cent, that is, \$9 or \$10 billion.

The committee recommends that their share be taken away. In that way, we cheat them not once but twice. If we were to leave it in there, and if it were properly invested, in a decade it would be worth \$20 billion. This is so unfair. It cries out for fairness, something which I regret to say I do not see here today. I cannot in good conscience be party to supporting this legislation.

On motion of Senator Kelleher, debate adjourned.

PRIVILEGES, STANDING RULES AND ORDERS

TWELFTH REPORT OF COMMITTEE— MOTION FOR ADOPTION—DEBATE ADJOURNED

The Senate proceeded to consideration of the twelfth report of the Standing Committee on Privileges, Standing Rules and Orders (Question of Privilege of the Honourable Senator Murray, P.C.), presented in the Senate on June 16, 1999.

Hon. Shirley Maheu: Honourable senators, before moving the adoption of this report, I remind colleagues that this report is in response to the question of privilege raised by Senator Murray regarding the matter of the bells ringing for but five minutes, which is not enough time for senators to get to the chamber from the Victoria Building. The report recommends that the bells ring for a minimum of 20 minutes.

Honourable senators, I move adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Lowell Murray: Honourable senators, if the Chair of the committee intends to speak, I will defer to her.

Senator Maheu: Honourable senators, my intention was to remind senators of the recommendation contained in the report since it was deposited with the Clerk of the Senate in June.

Senator Murray: In that case, honourable senators, I move the adjournment of the debate.

On motion of Senator Murray, debate adjourned.

ELEVENTH REPORT OF COMMITTEE—MOTION FOR
ADOPTION—MOTION IN AMENDMENT—DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Maheu, seconded by the Honourable Senator Fitzpatrick, for the adoption of the eleventh report of the Standing Committee on Privileges, Standing Rules and Orders (restructuring of Senate committees) presented in the Senate on June 2, 1999.—(*Honourable Senator Lawson*)

Hon. Edward M. Lawson: Honourable senators, I wish to deal with the rubric found on page 7 of the report, "Additional Members on Committees." I refer specifically to the part which states:

(2.2)(a) The Committee of Selection may make a recommendation to the Senate that two additional members be added to any standing committee provided that the vote of the Committee of Selection on the addition is unanimous.

The part of this provision to which I object is the word "unanimous." There has been no provision in all the years I have been here where a unanimous decision is required before a member may be added to a committee. I do not know who is responsible for this proposal. Will we be asking the Usher of the Black Rod to assume the additional duty of "usher of the blackball"? Who will have the blackball? Will it be Conservative members, or will it be Liberal members? Liberal side? Will it be one of them who will decide whether an independent senator can be added to a committee?

When I came here I was told that all senators are equal.

MOTION IN AMENDMENT

Hon. Edward M. Lawson: Therefore, honourable senators, I move, seconded by Senator Doody:

That the Report be not now adopted, but that it be amended by striking out proposed rule 85.(2.2)(a) and substituting therefor the following:

"(2.2)(a) The Committee of Selection may make a recommendation to the Senate that two additional members be added to any standing committee."

• (1750)

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. John B. Stewart: Honourable senators, I had intended to speak on the main motion, but perhaps it would be better if I spoke on the motion to amend.

I have serious problems with the report of the committee. We know how the steering committee operates, and we know the

number of senators who constitute one of our regular standing committees. We must assume that when we are making rules or laws, whatever can be done is likely to be done.

If I were a crafty house leader on the government side, with a majority, I would be tempted to say, "All right. We will have seven members of my party on that committee. There are independents who would like to be on the committee, too. Who is the most reliable and wants to be on the committee? We will put her or him on the committee." As a reward for our magnanimity, we would then get an extra government senator. That is a charming prospect and, if it can be done, it will be done. I am very uneasy about that aspect of the report.

There is another aspect of the report about which I am also uneasy. It is one that is more difficult to explain, but it is a more fundamental aspect. I have great respect for the independent senators who now sit in this house. I am not talking against any of the present independent senators. However, let us consider our system. I suggest to you that an arrangement which facilitates and makes it almost certain that independent senators will regularly become members of our standing committees will make it more and more attractive for people to sit as independents, either when they first come here or when, for one reason or another, they decide that it would be better for them not to sit as a member of a party, be it the government caucus or the opposition caucus. That is a real possibility. One cannot say for sure, but one must anticipate the possibilities or the probabilities that more and more senators out of our 105 would be independent senators.

What would some of those independent senators do? I complain already that some senators tend to think of themselves as members of a particular committee. They pay relatively little attention to the work of either the house as a whole or of other committees. Their role is being a member of their own committee. If that is true of senators who have obligations as members of either the government caucus or the opposition caucus, how much truer will it be for independent senators sitting on a committee? They will just show up here on the day, or one day in two weeks, or one day in one week, or one day in two or three weeks when that committee is meeting. In other words, they will be the senator for that particular committee. They will be *de jure* members of the Senate, but *de facto* they will be members of that committee and increasingly powerful members of that committee, perhaps.

There is another aspect involved here. Think about the implications for our system of government. We have a system in Canada known as responsible government, which means that the government of the day makes decisions, and it is responsible and answerable to Parliament for those decisions. The government of the day takes the praise and receives the blame. We know whom to praise and whom to blame. That is the merit of the system of responsible government. That system makes for a two-team system: Those who are in government and their supporters on the one hand, and those who are opposed to the government of the day on the other hand. It tends to make for a two-party system.

I say, "it tends" because political realities, especially in as diverse a country as Canada, have increasingly made it impossible, over the years, for people to find satisfactory accommodation in either the government party or the official opposition party. But the system is a two-team system. Basically, the pressure is toward a two party system.

The system can accommodate some independents; there is no question about that. Furthermore, there is no question in my mind but that some of the independents, whether in the House of Commons or in the Senate, make a contribution. However, how far can you go? I said initially on this point that, if this motion goes through, what we are doing is making it more and more attractive for new senators — and for old senators — to declare independence. I suggest that this rule change will mean that we will have more and more independent senators. It will become more and more attractive. In other words, we will be moving away from our traditional, constitutional system of parliamentary government where the government and its supporters are responsible. We will be moving toward the American congressional system, where party discipline has little or no effect, people vote according to the lobbies which last got their ear or their pocketbooks, and where nobody is really responsible because the outcome of a vote was, in a sense, accidental. No one was in charge, everyone voted her or his own opinion — that is, the lobbyist's opinion — and then there is the result. You cannot blame anyone.

If we are going down this road, we should ponder its implications very seriously. Consequently, I invite you, my colleagues in the Senate, to consider well the implications of the report. I say again, I have nothing against our present independent senators.

• (1800)

I have nothing against the idea of a certain number of independent senators, but when we get to the position where we make it more and more attractive for senators to be independent, I put it to honourable senators that we are moving toward a congressional system of government and away from our system of responsible government, a system which, in this country, we have found to be wonderfully satisfactory over the years. When we look south of the border, we denounce and criticize congressional systems.

The Hon. the Speaker: Honourable senators, I must advise the chamber that it is now six o'clock. Unless I am advised that there is agreement that we not see the clock, I must leave the chair.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I think there is agreement that we not see the clock.

The Hon. the Speaker: Is it agreed, honourable senators, that I not see the clock?

Senator Prud'homme: I do not agree.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): The opposition agrees.

The Hon. the Speaker: Is Senator Prud'homme objecting?

Senator Prud'homme: Yes.

The Hon. the Speaker: Then I must leave the chair. The Senate will reconvene at eight o'clock.

The sitting of the Senate was suspended.

• (2000)

The sitting of the Senate was resumed.

The Hon. the Speaker: Honourable senators, we were listening to the Honourable Senator Stewart when the sitting was suspended.

Hon. John B. Stewart: Honourable senators, at six o'clock I had almost completed what I wished to say. I wanted to anticipate a possible rebuttal to what I had said about the danger of increasing the number of independent senators participating regularly in the committee work of the Senate.

It might be said that the British House of Lords has a formidable cross-bench, which is their term to describe independent peers. We have to remember, of course, that it is precisely to restrain the opposition and the independent members of the House of Lords that the powers of the House of Lords were curtailed. The situation was intolerable, at least in the view of the government of the day back in 1911. Thus, they enacted the Parliament Act of 1911.

That was amended in 1949, with the result that a government with a majority in the House of Commons can put through a money bill in the House of Commons, have it bypass the lords, and go for Royal Assent within one month. Similarly, a bill which is not designated as a money bill can bypass a difficult House of Lords and go forward for Royal Assent within one year.

It is important to remember that the House of Lords is a very different body in terms of its powers than is the Senate of Canada. If we are to enhance the power of those who do not support the government ordinarily, then we will either give the government of the day power to appoint more and more government supporters — it can appoint eight now — or we must strip the Senate of some of its constitutional powers. If this move is carried forward and is pushed to its extreme — and it is an old rule in politics that what can be done will be done — those are the alternatives that we may need to confront.

I wish to say a word about Senator Lawson's proposed amendment. In order to do so, however, I must revisit the report. Perhaps the best way is to look first at proposed rule 85(2.2)(b), which states:

Senators may apply to sit on a standing committee either by application to their respective whip or directly to the Committee of Selection.

We all understand that the second part of the sentence refers to the technique by which an independent senator could apply to sit on a standing committee.

What, then, would happen? We go back to the proposed rule 85(2.2)(a), which states:

The Committee of Selection may make a recommendation to the committee that two additional members be added to any standing committee provided that the vote of the Committee of Selection on the addition is unanimous.

Note that the proposed rule would be that the Committee of Selection may add two additional members. The intention is that one of those would be an independent; one of those who would have applied directly to the Committee of Selection and not gone through a whip.

However, I suspect that a Speaker would have a very hard time contending that this interpretation is obvious on the face of the proposed rule. It could well be that unless there were some restraint on the Committee of Selection, the majority of the Committee of Selection would put on two additional government members. That is the distortion of what I think is the clear intention. However, I think it would be difficult for a Speaker to read into the black letter what we understand.

What Senator Lawson is proposing makes it even worse. He proposes simply to strike out the last few words of the proposed rule, the words "provided that the vote of the Committee of Selection on the addition is unanimous." As I understand it, those words are in the proposed rule to give some protection to the opposition of the day. However, those words are to be struck out by Senator Lawson's amendment, which I oppose.

The Hon. the Speaker: I regret to inform the Honourable Senator Stewart that his allotted 15 minutes have expired.

Are you requesting leave to continue, Senator Stewart?

Senator Stewart: No, I am finished. I think the record will show that I have said all that I ought to have said.

Hon. Mabel M. DeWare: Honourable senators, I think we have all had serious concerns about the eleventh report of the Standing Committee on Privileges, Standing Rules and Orders.

We have deliberated in committee for years, trying to come up with the proper concept of how many senators should sit on committees, and who should sit on committees. It is such an important issue for us. We know that the fall is coming, and that this issue must be resolved. However, I feel the issue still requires more debate, and I compliment Senator Stewart on opening the debate tonight.

[Senator Stewart]

Honourable senators, I move adjournment of the debate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Marcel Prud'homme: No.

On motion of Senator DeWare, debate adjourned, on division.

[Translation]

THE DRAGON BOAT FESTIVAL

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Poy calling the attention of the Senate to the Dragon Boat Festival.—(*Honourable Senator Prud'homme, P.C.*)

Hon. Marcel Prud'homme: Honourable senators, when I rose at 6:00 p.m., I simply wanted to ask you to recognize that it was 6:00 p.m.

The events that took place and that did not satisfy some led me to say no. I did not rise to interrupt Senator Stewart. It was not to force the Senate to return at 8:00 p.m. I said "no" in response to the reaction of two colleagues in order to show the stupidity of unanimity.

I have my speech prepared on the important motion of Senator Simard. You have two hours to make up for; I will therefore cooperate briefly. I did not speak to Senator Simard's Motion No. 34.

[English]

Hon. Sharon Carstairs (Deputy Leader of the Government): On a point of order, honourable senators, this debate is not on Senator Simard's motion but on Senator Poy's motion about the Dragon Boat Festival.

[Translation]

Senator Prud'homme: I know full well it concerns Senator Poy's motion. That was my preamble to her inquiry. I have discussed the matter with her and I congratulate her. She is the sister-in-law of our new Governor-General, and I am pleased that such appointments are possible in our country. They testify to Canada's diversity.

As to Senator Poy's inquiry, I took it seriously and told her so.

[English]

It was serious. I did not want the matter to die right away. For the first time, Senator Poy was drawing our attention to the Dragon Boat Festival, and everyone was applauding. I did not want that to be the end of the matter. I wanted it to appear on the

Order Paper for a longer time so that people would see it and understand that other people can celebrate their culture with great pride. For some, that means celebrating the Dragon Boat Festival. For others, it is la fête de l'Acadie. For others, it is celebration of la Saint-Jean-Baptiste. I took the adjournment of the debate in hopes that someone would add a few words.

I enjoyed the speech of Senator Poy. It drew the attention of senators to the event. I hope to attend that festival next year. I congratulate Senator Poy very warmly for having brought to our attention such a festival.

On motion of Senator Andreychuk, debate adjourned.

QUESTION OF PRIVILEGE

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, before I proceed with inquiries, I am prepared to give my decision on the question of privilege raised yesterday by the Honourable Senator Kinsella.

[Translation]

As you will recall, Senator Kinsella received a letter from Dr. Shiv Chopra, alleging that his employer, Health Canada, has harassed him because of his testimony before a committee of the Senate. Senator Kinsella reminded us of the privileges accorded to parliamentary witnesses and our obligation to protect them from any retaliatory measures that might be taken against them for giving their testimony. In response to a question of the Honourable Senator Stewart, Senator Kinsella confirmed that he had a written letter of complaint from the witness, which included details of the allegation. With leave of the Senate, Senator Kinsella tabled the letter.

[English]

I will quote again the essence of the allegation from Dr. Chopra's letter:

I tendered a personal example —

— of harassment —

involving a five-day suspension which my employer, Health Canada, imposed against me and which I stressed was, in fact, the latest of a series of retaliatory actions. I mentioned that all these actions were the direct consequence of my testimony which I was requested

— required —

to give before the Standing Senate Committee on Agriculture and Forestry for its Bovine Growth Hormone (rBST) investigations.

The Honourable Senator Carstairs noted that there was a difference in opinion between Health Canada and Dr. Chopra. In her words:

It is clear that there is some disagreement as to why this penalty was imposed. We know, for example, that Dr. Chopra feels that it was his appearance before this Agriculture Committee that resulted in his penalty. We have had correspondence with the Deputy Minister of Health which would indicate that that was not the case.

Senator Carstairs, however, refrained from attesting to the position taken by Health Canada, preferring to let the Senate make its own determination of the facts, if it felt so inclined.

It is clear to me that Dr. Chopra is convinced that his appearance before one of our committees has caused him harm at the hands of his employer. During the discussion of this question of privilege, I did not receive firm evidence that the employer acted for reasons other than those alleged. I am very reluctant to intervene in what could well be an unfortunate difference between an employer and its employee, a possibility indicated by the statements made by Senators Kinsella and Carstairs and Dr. Chopra's own letter. I also do not wish to dismiss out of hand what amounts to a very serious allegation indeed. As it stands, a witness before a Senate committee has made a claim which, if true, may well represent a serious contempt of this place. As yet, there is little evidence offered against the claim. The chronology of events as outlined by Senator Kinsella at least suggests that the claim could be true. I therefore find that a *prima facie* question of privilege has been established, according to the provisions in rule 43(1).

● (2020)

I invite Senator Kinsella to make the appropriate motion.

SUBJECT-MATTER REFERRED TO PRIVILEGES, STANDING RULES
AND ORDERS COMMITTEE FOR INVESTIGATION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I move, seconded by the Honourable Senator DeWare, that the matter be referred to the Standing Committee on Privileges, Standing Rules and Orders for investigation and report and, with unanimous consent and notwithstanding rule 44(3), that we decide this motion forthwith.

The Hon. the Speaker: The Clerk informs me that we have dealt with the Orders of the Day, so the matter may proceed without leave.

Hon. Anne C. Cools: I wish to put a question to Senator Kinsella. My understanding is that, when a senator moves a motion pursuant to this particular rule, no notice is required. My understanding of the rules is that the motion, as moved, is immediately debatable and actionable. In point of fact, no leave is required because no notice need be given.

The Hon. the Speaker: The honourable senator is quite correct. At this time of day, at the point at which we are at relative to the Orders of the Day, leave is not required. Had the motion been moved earlier today, prior to the completion of our regular business on Orders of the Day, leave would have been required.

Senator Cools: I understand.

This is a debatable motion. I understand that Senator Kinsella is requesting the Senate to dispense with debate, to ask that the question be put, and that we proceed to a vote. Is that what he is requesting?

The Hon. the Speaker: His request was simply that it be debated now. It is clear that leave to proceed is not required.

Senator Cools: Thank you very much.

Senator Kinsella: Rule 44(3) comes into play if we are sitting prior to eight o'clock. Therefore, as His Honour has pointed out, leave is not required. I would simply ask that we vote on the matter, if no honourable senator wishes to participate in the debate.

The Hon. the Speaker: If no honourable senator wishes to speak, I will put the question.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

IMMIGRATION

PLIGHT OF CHINESE IMMIGRANTS ON WEST COAST—INQUIRY—DEBATE ADJOURNED

Hon. Vivienne Poy rose pursuant to notice of September 7, 1999:

That she will call the attention of the Senate to the plight of Chinese migrants on the B.C. coast.

She said: Honourable senators, there has been a great deal of media attention and public debate this summer over the arrival of three boatloads of Chinese migrants off the coast of B.C. I note that yesterday another ship of similar description was sighted outside Canadian waters.

The mixed reaction of Canadians to the Chinese migrants suggests we need to do a lot of soul searching. Many are calling for a re-evaluation of our country's immigration policies and, indeed, we must do so. There is no doubt that those responsible for the global trafficking in human cargo must be dealt with harshly. Human smuggling must be stopped.

In the situation before us, it is important for Canadians to understand the plight of these migrants. These are simple, poor people who have been lured by members of the underworld into a dangerous voyage across the ocean by the promise of a better life.

The comparative wealth and freedom we have in this country makes it nearly impossible to appreciate what it means to have nothing or to be persecuted. We need only to see the conditions aboard these vessels that brought the Chinese migrants here to appreciate their desperation. Without compelling circumstances, no one would agree to risk his or her life on an unseaworthy boat lacking even basic sanitation.

Unfortunately, by getting on these boats, these migrants have become the indentured labourers of organized crime. Some of them will undoubtedly have legitimate refugee claims. As an example, in 1987, 2,000 Turks arrived in Montreal by boat. Some were found only to be economic migrants and were returned to Turkey. Others were found to be legitimate refugees. This is only one example of many boats entering Canada carrying people without proper documentation.

We will not know which of these Chinese migrants are legitimate refugees until they are given the opportunity to present their cases. We know that 39 of those on the second boat were unaccompanied children, some as young as 11 years old. Only desperate parents would risk their children's lives on a 60-day journey across the ocean in leaky boats.

Without the help of the Canadian government, the migrants are kidnapped and forced into slave labour, prostitution, and the like. This is how they pay back the estimated U.S. \$40,000 to U.S. \$50,000 owed to the so-called "Snakeheads" for their passage. Interest rates of 900 per cent have been reported in the media. Those who cannot pay risk being terrorized by the gangs or having their families terrorized in China. U.S. immigration officials have reported cases of rape and dismemberment where individuals have failed to repay their debts.

I have had calls from sympathetic Canadians, many not of Chinese origin, asking me to help these migrants. Hearing their plight reminds me of stories of early Chinese immigrants who came to Canada as indentured labourers. Unfortunately, the kind of prejudice that dogged early Chinese immigrants is evident in some sectors of Canadian society today. To be poor is not a crime, and those victimized should be helped.

Some Canadians have referred to these migrants as "criminals." Even the children have been restrained with metal handcuffs. Girls as young as 12 have been subjected to strip searches. Young children have been needlessly separated from their mothers in detention. Allegations of physical abuse, especially of the children, by RCMP officers have left the Montreal-based Canadian Council for Refugees to call for an independent investigation.

I am distressed to read reports of Canadians calling for the immediate deportation of these migrants, even before they have had an opportunity for proper hearings. A few days ago, the Chinese government said these people should be immediately deported back to China for re-education. However, these migrants are in Canada now, and our understanding of human rights will be the one to prevail.

As a signatory of the 1948 United Nations Convention on Human Rights, the UN 1951 Geneva Convention relating to the status of refugees and its 1967 protocol, Canada defines protection *de facto* as a fundamental human right. Our immigration regulations and laws reflect fairness and humanity. We allow those who seek help the opportunity to present their cases.

• (2030)

It is important to point out that these recent migrants account for only 1 per cent of people who come to Canada each year without proper documentation and claim refugee status. If they had come from Europe, I wonder if they would have been referred to as "criminals" by some in Canadian society.

There have been charges in the media that these migrants are a burden to society. However, it has been statistically proven that, despite the initial economic outlay from the government, immigrants use less of our health care and welfare services than

those born in Canada. Recent Canadian-based data shows that immigrant households from Asia outperform their European counterparts. According to one of Canada's leading economists, the typical migrant family will put \$40,000 to \$50,000 more into the public treasury over a lifetime than they consume in services.

Before we judge these migrants guilty as criminals and a burden on society, we urge all Canadians to reflect on our history and identity. With the exception of aboriginal Canadians, we are all here because at some point we, or someone before us, immigrated to this country. Many of us are here today because our ancestors came to Canada as economic migrants, not political or war refugees. They simply wanted the chance for a better life. Our country has been built by economic migration. Immigration is an investment in human capital. It is not only a good investment, but also an ethical one.

Honourable senators, I hope that the goodwill of Canadians will prevail. The Department of Citizenship and Immigration should be allowed to complete these hearings before we determine the worthiness of the migrants' applications to stay in Canada. Otherwise, a dangerous precedent will be set, taking us a step backward, and that will affect the future of this country.

On motion of Senator Robertson, for Senator Carney, debate adjourned.

The Senate adjourned until tomorrow at 9 a.m.

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CANADA

Debates of the Senate

1st SESSION

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36th PARLIAMENT

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VOLUME 137

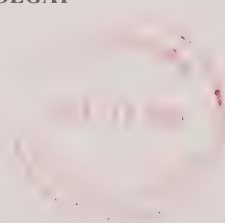
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NUMBER 156

OFFICIAL REPORT
(HANSARD)

Friday, September 10, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER



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(Daily index of proceedings appears at back of this issue.)

Debates: Chambers Building, Room 943, Tel. 995-5805

Published by the Senate

Available from Canada Communication Group — Publishing, Public Works and
Government Services Canada, Ottawa K1A 0S9,

Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Friday, September 10, 1999

The Senate met at 9:00 a.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

SIXTIETH ANNIVERSARY OF CANADA'S ENTRY INTO WORLD WAR II

Hon. Norman K. Atkins: Honourable senators, I should like to take this opportunity to draw the attention of the Senate to the sixtieth anniversary of Canada's entry into the Second World War on September 10, 1939. While we were 10 days late with a formal declaration of war, the war having started with the invasion of Poland on September 1, 1939, we had already started our preparation to halt Nazi aggression and to join our Commonwealth allies in the pursuit of victory.

Canada's military was small at the outset of war. The Royal Canadian Navy possessed some River Class destroyers and had less than 2,000 sailors. The Royal Canadian Airforce had a force of 270 mostly obsolete combat aircraft and only approximately 3,000 men and women. The Canadian Army permanent force had 4,200 men backed up by 51,000 militia. That was not much of a force for victory in 1939. We were not a big country in those days population-wise. We were, however, a determined people, and Canadians from all walks of life came forward to save humanity from tyranny.

It was to be a war of great sacrifice. The defeats at Dunkirk, Dieppe and Hong Kong filled all Canadians with a resolve to win, and win we did, along with our allies.

Victory, in the end, was our only choice, our only option. Canadian soldiers liberated Holland. The RCN, along with the Merchant Navy, helped defend the lifeline of Great Britain in the Battle of the Atlantic. The RCAF fought back with strategic raids that wore down the German army and helped to win victories. We also helped to vanquish the military of Japan in the Pacific and in Asia so that all people could live in freedom.

In the end, Canada had the world's third largest navy, its fourth largest air force, and a field army that could send a chill down the strongest spine. When it was announced that the Canadians were coming with fixed bayonets, the enemy moved in other directions with alacrity and dispatch. It set the basis, as Vimy and the Canadian Corps did in 1917, or as we did during the invasion of Normandy in June 1944, for the country we so dearly love today, a country built upon the sacrifices of its sons and daughters.

To those who paid the ultimate price for victory, to those who served bravely, and to their families, we give our undying gratitude.

[Translation]

THE CANADIAN FRANCOPHONIE GAMES

Hon. Fernand Robichaud: Honourable senators, the Canadian Francophonie Games were held at Memramcook from August 19 to 22. This event was organized by the Fédération de la jeunesse canadienne-française as part of the Année de la francophonie canadienne.

These games brought together close to one thousand young francophones and francophiles between the ages of 15 and 18 from all provinces and territories to celebrate their belonging to the French-Canadian and Acadian culture, while at the same time engaging in friendly competition.

The games were multi-faceted, with components relating to sport, art, education and interchanges between delegations. This was a highly successful undertaking, which provided young participants with an opportunity to exchange views and to come to know the other regions of Canada. Its main purpose was to forge new friendships, and friendships of course know no provincial or territorial boundaries.

The Department of Canadian Heritage made a major contribution to the games. I wish to draw particular attention to the unceasing efforts of the organizers and the many volunteers who made this great event possible. In taking the various delegations into their community, once again the people of Memramcook Valley showed their willingness to welcome guests into their community, and we salute them for that. The Fédération de la jeunesse canadienne-française showed just how well it serves Canadian youth in every part of the country. This event also showed just how vibrant our Canadian young people are, and how prepared they are to meet the challenges faced by the Canadian Francophonie.

[English]

NIGERIA

CHANGES UNDER NEW GOVERNMENT

Hon. Donald H. Oliver: Honourable senators, Nigeria is open for business again. This West African country, with more than 120 million people, has been able to throw off the undemocratic yoke of the military government and, with its vast petroleum riches, is anxious to do business again with the Western World, particularly Canada.

The new President of Nigeria, Mr. Obasanjo, has already announced priorities, notably those to combat corruption, which should lead to the political, social and economic betterment for all of Nigeria.

In the first six weeks after taking control, the president acted quickly and decisively to bring about democratic objectives. This all came about after the death last June of Nigerian military dictator General Abacha, and there followed a transitional process to civilian rule. On May 29, 1999, Nigeria completed that transition with a handover ceremony and inauguration of the new president.

During his first six weeks of power, President Obasanjo took decisive action directed at his objective of bringing honesty and transparency to Nigeria's government, and drawing a clear line between civilian government and military government. More than 100 senior Armed Forces officers have been retired. The notoriously corrupt Customs Service has had 99 of its senior officers retired.

I had the honour to travel to Nigeria a month ago with a group of Canadian businessmen to look at business opportunities in that country. Honourable senators, they are vast. When I was there, I observed that in the lobbies of the major hotels were CEOs from major multinational corporations, consultants, lawyers, engineers and others. Many of those with whom I spoke told me that they had a strong feeling that free enterprise and democratic principles were back once again in Nigeria, and that business people from the Western World were anxious to return to Nigeria in order to participate in the needed infrastructure refurbishing.

My group had the opportunity to meet with the Minister of Transportation to talk about a number of transportation issues, and we met with the influential economic advisor to the president and other senior leaders. The Minister of Transportation impressed me with her vision for reinvigorating the transportation system in order to move both people and goods more efficiently. She is aware of the Canadian expertise that exists, together with the software, hardware and engineering that Nigeria needs to come of age. We ought to do all that we can to support her and encourage her in her efforts to restore Nigeria as a leading democratic economic power.

What struck me, honourable senators, is that all of those whom I encountered with political and economic influence in Nigeria openly welcomed joint ventures, and the investment and expertise that Canadians can bring to help redevelop this great country.

In many senses, Africa is the forgotten continent for Canada, particularly English-speaking West Africa. I ask honourable senators when they last heard of a Canadian government leading a major trade mission to Africa. The Prime Minister leaves this weekend with a delegation of more than 300 eminent business leaders and politicians, including our own Senator Dan Hays, and they will visit Japan and New Zealand. But what about Africa?

One can just imagine the tremendous catalyst that a Team Canadian visit to Nigeria would be in spurring on and stimulating economic activities in that country.

Honourable senators, I will write to the Prime Minister, and I strongly encourage other honourable senators to do the same, asking him to do something in this regard for the forgotten continent. We should encourage our business leaders to make a Team Canada visit to the English-speaking countries of West Africa early in the new millennium.

ROUTINE PROCEEDINGS

ADJOURNMENT

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Monday next, September 13, 1999, at four o'clock in the afternoon.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

JUSTICE

INVESTIGATION INTO SALE OF AIRBUS AIRCRAFT TO AIR CANADA—NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, pursuant to rule 56(1), (2) and 57(2) of the *Rules of the Senate*, I give notice that on Tuesday next, I will call the attention of the Senate:

(a) to the September 29, 1995 Letter of Request for Assistance to Switzerland written by Kimberly Prost of the Department of Justice, a copy of which I tabled in the Senate on December 17, 1996, which stated in part:

"The above three cases demonstrate an ongoing scheme by Mr. MULRONEY, Mr. MOORES, and Mr. SCHREIBER to defraud the Canadian Government of millions of dollars of public funds from the time Mr. Mulroney took office in September, 1984 until he resigned in June, 1993.";

and which requested access to Mr. Mulroney's alleged Swiss bank accounts;

(b) to the publishing in the media of the terrible and preposterous allegations about Brian Mulroney, Prime Minister of Canada 1984-93, and to the ensuing libel lawsuit by him, occasioned by these allegations, against the then Attorney General of Canada, Allan Rock, and Kimberley Prost, and the Royal Canadian Mounted Police;

(c) to the settlement of this lawsuit and to the terms of its Settlement Agreement of January 5, 1997, particularly its terms 3, 4, 5 and 9 that:

3. "Some of the language contained in the Request for Assistance indicates, wrongly, that the RCMP had reached conclusions that Mr. Mulroney had engaged in criminal activity.

4. Based on the evidence received to date, the RCMP acknowledges that any conclusions of wrongdoing by the former Prime Minister were — and are — unjustified.

5. The Government of Canada and the RCMP regret any damage suffered by Mr. Mulroney and his family and fully apologize to them.

9. The parties accept that the RCMP, on its own, initiated the Airbus investigation; that the Minister of Justice was not involved in the decision to initiate the investigation; and that before November 4, 1995, the Minister of Justice was not aware of the Request for Assistance and the RCMP investigation.”;

(d) to the abiding and continuing public embarrassment and humiliation to Mr. Mulroney and his family which cause and compel him to continuously seek legal assistance and representation to clear his name and protect his reputation despite the Attorney General's and the RCMP's clear declaration of no wrongdoing on Mr. Mulroney's part;

(e) to the July 5, 1999 letter in this vein from Mr. Mulroney's counsel Gerald Tremblay to the Swiss authorities which stated in part:

“Our client wished to know how the Swiss authorities involved are participating in what appears from our client's perspective to be a political attack rather than bona fide legal cooperation.”;

(f) to the August 23, 1999 letter in response to Gerald Tremblay from Andreas Huber-Schlatter, the Secretary General Federal Department of Justice of Switzerland, again clearing Mr. Mulroney and declaring the non-existence of these alleged Swiss bank accounts, stating in part:

“Furthermore, please note that *none* of the bank records so far produced or yet to be produced involve accounts of Mr. Mulroney's. ...your client is not affected...”;

and

(g) to the need for the Senate of Canada to bring these complex and disturbing matters into its cognizance and to examine them in a public parliamentary forum, the only forum sufficient to distinguish wrong-doing from malicious conjecture, to distinguish the law from politics, and to examine all the roles in the matter of the seemingly unrelenting, personal persecution of Mr. Mulroney, and to the need to give those unjustly damaged by this matter an opportunity to be heard publicly, including Mr. Mulroney and Mr. Allan Rock, and in the public interest to finally settle these matters.

PUBLIC SECTOR PENSION INVESTMENT BOARD BILL

PRESENTATION OF PETITIONS

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to present three series of petitions with respect to Bill C-78 from residents of Saskatchewan.

QUESTION PERIOD

TRANSPORT

PRIVATE SECTOR PROPOSAL TO PURCHASE AIR CANADA— TABLING OF ORDER IN COUNCIL TO ALLOW DISCUSSIONS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate.

As the minister knows, the opposition in the Senate will be holding its national parliamentary caucus from Tuesday to Thursday of next week. The preparations for this national caucus have been in progress for a year now. It is a major policy gathering for the opposition side.

• (0920)

I therefore ask the minister, since statutory law requires the Minister of Transport to table that order in this house within seven sitting days, which technically would be Wednesday next: Would he undertake to have it tabled on Monday?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I will have consultations with the Minister of Transport. I endeavoured to do so yesterday, but I was unable to make direct contact with him. I shall do so and I shall make every effort to accommodate the chamber.

PRIVATE SECTOR PROPOSAL TO PURCHASE AIR CANADA—
EFFECT ON RULE REGARDING TEN PER CENT PUBLIC OWNERSHIP

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, could the minister advise the Senate what the government's position is regarding the breach of the 10 per cent rule, a rule which, as the minister knows, was part of the 1988 legislation that led to the privatization of Air Canada? That 10 per cent rule was a matter of national public policy, and the proposal that has been described as coming from Onex would breach that 10-per-cent rule. I wonder if the minister could explain what the government's policy is now with reference to that statutory provision that requires non-concentration of ownership beyond 10 per cent.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, as I indicated earlier, the government has created a special and time-limited process to allow private-sector parties to develop proposals to restructure and strengthen the industry. The process will preserve the ability of the industry to serve the travelling public in the long term. The industry has been in difficulty for some time.

As I have already indicated, the government does not have to, nor does it intend to, comment on the specifics of any private-sector proposal until there is an agreement between all the parties involved. When an agreement is presented to the government, the Minister of Transport will provide whatever appropriate recommendations he deems are feasible to the Governor in Council, who will issue the formal decision of the acceptability or non-acceptability of the conditional agreement and the nature of the imposed conditions with respect to the specific 10 per cent policy.

The government will also consider, in the light of any proposals or agreements which may come forward, what future action may be required. This may include the possibility of introducing legislation to facilitate the implementation of an acceptable proposal and any necessary changes to the policy and regulatory framework which governs airlines.

Senator Kinsella: Honourable senators, in 1988, when the legislation dealing in part with the privatization of Air Canada was proposed, there was a long, thorough, extended debate in Parliament. Much of the debate surrounded the policy framework within which that privatization would unfold.

As I understand it, the main concerns around the 10-per-cent rule were two. First, the policy that is in place today arose from Canada's desire to prevent the consolidation of economic power in the airline industry in too few hands. The second concern was Canada's desire to maintain domestic control over cultural industries, sensitive industries, and certain other elements of Canada's strategic economy, such as the national airline.

I ask the minister whether, in his view, the policy principles, particularly if they are to be changed, ought not to be thoroughly developed and set in place before some committee or other group examines a deal that could be quite contrary to the established principles which are enshrined in law?

Senator Graham: Honourable senators, I am sure all such aspects of any proposal would be examined very thoroughly by the responsible groups at the highest levels of government. I understand that today, in Montreal, Minister Collenette may further elucidate the proposals that are now in the public domain, and that he will be available to the media at that time. Perhaps we will learn more from Mr. Collenette at that time.

Senator Kinsella: Honourable senators, it is that phrase "responsible groups" that concerns me. I am trying to understand the context in which Parliament will be the responsible group that will provide detailed assessment and detailed input into what appears to be a new direction and a complete change in policy by this government.

Senator Graham: Honourable senators, there was a suggestion here in this chamber yesterday that the Standing Senate Committee on Transport and Communications take this matter under advisement and initiate a study. I also suggested that an inquiry could be raised by any senator. If a change in legislation were required to facilitate the reorganization of the industry, then, of course, that would have to come before both Houses of Parliament.

PRIVATE SECTOR PROPOSAL TO PURCHASE AIR CANADA—
TABLING OF ORDER IN COUNCIL TO ALLOW DISCUSSIONS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, that is precisely why, for four days, we have been attempting to have tabled in this house the order issued under section 47 of the Canada Transport Act. The act also requires that it be sent off to the appropriate parliamentary committee, which I assume would be the Transport and Communications Committee. Some of us are baffled as to why this order has not been tabled here in the Senate. What is being hidden?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the act provides that the government has seven sitting days in which to table the document. The seventh day would be Wednesday next. I shall attempt to table the document as soon as possible. Senator Kinsella first raised the question yesterday. I indicated to him privately, before today's session began, that I had the matter under very serious consideration. I indicated that I was attempting to reach the minister, and that I hoped to be able to accommodate him and other honourable senators.

PRIVATE SECTOR PROPOSAL TO PURCHASE AIR CANADA—
POSSIBLE INFLUENCE RESULTING FROM
OWNERSHIP BY FOREIGN COMPANY

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, there is some feeling, quite widespread, that if the proposal is to be realized, American Airlines, being the major creditor and major shareholder, would have considerable influence on the management, operations and activities of the surviving airline, particularly as American Airlines, as we know, already has significant influence over Canadian Airlines.

Is the government willing to accept a proposal which would, in effect, have the one surviving national airline's operations directed by the major shareholder which would be a foreign airline?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I think the government would entertain any and all proposals on the table and, in its wisdom, will make a decision at the appropriate time.

As to the comment with respect to American Airlines and Air Canada, it is rather interesting that the president of American Airlines is a Canadian and the president of Air Canada is an American.

Senator Lynch-Staunton: Yes, and all the senior management of Canadian Airlines have gone back to Fort Worth, Texas. That is even more significant.

Am I to understand the minister as saying we have no policy at the moment, that we will be reacting to a proposal rather than establishing guidelines for those who are making the proposal so that everyone knows what the rules are?

Is the government open to the possibility that the one surviving national airline, which is supposed to carry the Canadian flag, will be directed, in effect, by its major creditor and major shareholder, which is an American airline?

• (0930)

Senator Graham: Honourable senators, as I indicated earlier, neither airline is doing very well. There is difficulty in the airline industry. Those of us who travel frequently see the ridiculous situation whereby both major carriers are flying from one city to the same destinations at almost precisely the same time. That may be good for competition but it cannot support the survival of two airlines. The government recognizes that something must be done, but the decisions must first be made in the open market-place.

A proposal has been made by Onex in this particular instance. If the offer does not succeed, at least it will serve the purpose of fleshing out the current problems that are in the industry at the present time. One hopes that in the future it will bring some kind of rationalization and a solution for the travelling public in Canada.

Senator Lynch-Staunton: Honourable senators, I sympathize with the minister's travel difficulties. My question has nothing to do with that. My question is whether the government is willing to accept one national airline whose major shareholder and creditor is an American airline, which could easily treat it as a partly-owned subsidiary. In effect, when it comes time to allocate hangar space or landing rights or whatever, the influence of that major shareholder could penalize the Canadian carrier to the advantage of the American carrier's other operations.

Whatever the end result of the merger, should not the government's fundamental requirement be that the resulting

entity be Canadian-owned and Canadian-operated in Canada's interests?

Senator Graham: Honourable senators, if I go any further in this debate, I will be accused of taking sides.

Senator Stratton: Take Canada's side.

Senator Graham: That is precisely it. We should all take Canada's side in the end. It is still too early for decisions, since there are many details that we do not know. We should allow the debate and the representations to evolve because not all the necessary information is available to the public yet. Market players have their own strategies and sometimes they keep their cards rather close to their vest. When the time comes, the government will deal with the matter in a very responsible manner, as the government always does.

ONEX PROPOSAL TO PURCHASE AIR CANADA AND CANADIAN AIRLINES—POSSIBLE DEBT LOAD ON AIR CANADA

Hon. Terry Stratton: Honourable senators, the Leader of the Government in the Senate said that there are problems in the airline industry. At one time, the precursor to Canadian Airlines, Pacific Western, was financially healthy. It was a regional airline. They purchased Canadian Pacific and stayed healthy. When they took on Wardair, the problems started because they took on too much debt. As a result, that airline has had problems ever since.

We now have a proposal to merge the two airlines. Canadian Airlines is heavily debt-laden. Air Canada is operating in a profit position, albeit a slim one. It is a relatively healthy business in an industry which is very tough. In my small measure of experience in the industry, it is highly competitive. To load Canadian Airline's burden of debt onto Air Canada is a questionable business venture.

Why take a relatively healthy airline, in an industry where few are healthy, and impose on it a debt load that will put it in jeopardy? Would the minister care to comment?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, we are dealing here with private industry. It was the decision of the government several years ago to privatize Air Canada. Many people at the time said this would not be in the best interests of Canadians. Only history will tell who was right.

I understand that the new company is to be known as Air Canada. Onex's offer to purchase Air Canada's shares is subject to acceptance by at least 66.6 per cent of the voting and non-voting shares of Air Canada. If that approval were obtained, the ownership would be held in Canada by Onex or by American Airlines which is owned by AMR, and by other individual shareholders. From reading some of the material which has been made available to the press, I understand that Onex, a Canadian company, would hold 31 per cent of the equity in the new airline.

Senator Lynch-Staunton: With American borrowed money.

Senator Graham: AMR would own 14.9 per cent and public shareholders will own 54 per cent.

I also understand that the new airline would retain the name of "Air Canada" and its head office would be in Montreal with major activity centres across the country.

Senator Stratton: You have just made the west feel wonderful.

If you really want to do something for the benefit of Canadians, look to the Minister of Finance who, in his wisdom, said no to a private industry that wanted to do some merging — namely the banking industry. The appearance is that there is a forced play to make a deal to merge these two companies. Air Canada wants to let the market play. Why not do that? If Canadian Airlines survives, it survives; if it does not, then it does not. For goodness sake, why would you load down Air Canada with a debt under which it cannot survive?

Senator Graham: Honourable senators, we cannot have it both ways. Senator Stratton is speaking on the one hand as a Canadian and on the other hand as a westerner. When I mentioned that the proposed airline would still carry the banner of "Air Canada" and that the headquarters would be in Montreal, he said rather cynically and sarcastically that that would really make westerners feel wonderful. I am sure he did not mean that as it will likely read in Hansard because Canadian Airlines has been a western-based company. At the same time, the perception across the country is that Canadian Airlines will not be able to survive under the present circumstances.

This is the market system at work and Onex has made a bid. It is not for me to debate the bid. We can debate how the government should intervene at the appropriate time. Indeed, if legislation is required, both Houses of Parliament will have an opportunity to review or reject the proposals in due course.

• (0940)

Senator Stratton: Honourable senators, on the one hand, the leader speaks of not meddling. On the other hand, it was quite all right for the Minister of Finance to meddle with the bank mergers. I think he is speaking on both sides, too. In 1956, Air Canada's headquarters were in Winnipeg. The Liberals appointed a president for Air Canada from Montreal. What happened to the headquarters of Air Canada? It went to Montreal.

ONEX PROPOSAL TO PURCHASE AIR CANADA AND CANADIAN AIRLINES—DISCUSSIONS BETWEEN PRESIDENT AND GOVERNMENT

Hon. Terry Stratton: Honourable senators, can the Leader of the Government tell me whether Mr. Schwartz of Onex has met with the government?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I do not know. I certainly have not met with Mr. Schwartz.

I would make just a few comments, honourable senators. Rumours are rampant that another offer will be made which could change the mix entirely. I think it is worthy of note, if my memory is serving me correctly, that Premier Ralph Klein of Alberta has welcomed the Onex proposal.

ONEX PROPOSAL TO PURCHASE AIR CANADA AND CANADIAN AIRLINES—EFFECT ON RULE REGARDING TEN PER CENT PUBLIC OWNERSHIP

Hon. David Tkachuk: Honourable senators, as a supplementary question, did either Mr. Schwartz from Onex Corporation or his representatives know previous to the offer they made for Canadian Airlines and Air Canada that the 10 per cent rule would be changed or that other changes would be made by the federal government to facilitate a deal of this kind? Did those meetings take place, and were those assurances made by the government prior to issuing the Order in Council which is to be laid before Parliament?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I, of course, was not privy to any discussions which might have or might not have taken place. However, I have indicated on several occasions, including today, that if a proposal contemplating a change in legislation with respect to the 10 per cent rule or any other statutory requirement were to come forward, the government would examine it very carefully. If necessary, the government will introduce legislation, and provide any changes that might be appropriate.

ONEX PROPOSAL TO PURCHASE AIR CANADA AND CANADIAN AIRLINES—LOCATION OF NEW HEADQUARTERS

Hon. David Tkachuk: Part of the consideration of privatization was that the headquarters for Air Canada would remain in Montreal. Of course, we know of the close ties between Mr. Schwartz and the Liberal government and of him being a fund-raiser for the Liberal government and the Liberal Party. Will the provisions that the headquarters must remain in Montreal stay, or will Mr. Schwartz have the ability to move the headquarters wherever he wants after the fact? Were those provisions made in meetings involving either Mr. Schwartz or his representatives and the Minister of Transport?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I do not know, and I do not think we should get into a geographic debate. I would love to have the headquarters of any merged airline, whether it was Canadian or Air Canada, located in Sydney, Nova Scotia, where we could really use the jobs.

Senator Lynch-Staunton will probably suggest that we pave over the tar ponds, but I do not think that would work either.

The honourable senator made reference to Mr. Schwartz being associated with the Liberal Party. I have never thought it a sin or crime to be associated with any political party. It does not matter whether these people have been supporting the Liberal Party, the Conservative Party or the New Democratic Party.

Senator Fairbairn: They hired Bill Fox.

Senator Graham: They hired Bill Fox, and what a wonderful acquisition he is and would be to any enterprise.

Given the democratic process, I do not think it should be a sin or a crime for anyone to support the political party of their choice.

Senator Tkachuk: I agree with the minister, but it seems Liberals are the funniest people in the world.

Senator Graham: We do retain our sense of humour.

Senator Tkachuk: When Mr. Matthews was the president of the Conservative Party, that was reason enough to cancel the Pearson airport deal. However, because this man is a fund-raiser for the Liberal Party, there seems to be no problem here. I am sure the leader remembers the big problem the government had cancelling the airport agreement, because Mr. Matthews had close ties, as Mr. Nixon said, to the Conservative Party? However, when I ask the question, there are different standards.

I will ask that question again. Were assurances made to Onex Corporation and Mr. Schwartz, directly to him or his representatives, that the 10 per cent rule would be lifted and that Montreal would no longer need to be the headquarters of the new airline in Canada, as is part of the regulations presently? Were those assurances given before he made the offer to Canadian Airlines and Air Canada?

Senator Graham: Honourable senators, I do not know of any assurances that were given to anyone. It is the market-place at work.

With respect, I have just indicated that my understanding is that the headquarters of any proposed new merger would be in Montreal. The new merged airline under this proposal, as I understand it, would be called Air Canada, and the headquarters would be in Montreal.

Senator Tkachuk: Honourable senators, presently they are compelled to have the headquarters in Montreal. I am asking whether that restriction has been lifted and assurances have been given to Mr. Schwartz and Onex Corporation. It can stay in Montreal, of course, if he says it will, but that does not mean that they are compelled to stay in Montreal, as is the case presently.

Senator Graham: I am not aware of that, but I am sure that the information will evolve as it should.

[Translation]

PRIVATE SECTOR PROPOSAL TO PURCHASE AIR CANADA—
POSSIBILITY OF PARLIAMENTARY HEARINGS—
GOVERNMENT POSITION

Hon. Marcel Prud'homme: Honourable senators, as senators from Quebec, we have some very major concerns. The risk is

serious enough that someone should take the initiative of examining this issue in the Standing Committee on Transport and Communications.

The current Minister of Transport, David Collenette, closed the Collège militaire royal de St-Jean when he was Minister of National Defence. In my view, this was a big mistake. History will bear this out and you will see changes. I knew they would have to do something to match the closing of the Royal Roads Military College in Victoria. Other bases could have been closed in Quebec in order to maintain Canadian unity.

In the case of the Collège militaire royal de St-Jean, the minister used these same arguments. This is the same minister who is telling us everything is fine, that this is free enterprise in action.

The Atlantic senators should get together with the senators from Quebec and ask for more information before a final decision is taken. I would ask the Leader of the Government to see if it would not be a good idea to examine the implications of these decisions for Canada quickly.

This is an urgent matter. We will be adjourning in a few days.

• (0950)

Apparently, we will not be coming back for a while and experience has shown us that this is precisely when some fast moves are pulled.

I ask the Leader of the Government, senators from Quebec and those from the Atlantic region in particular — I do not wish to thwart western interests — if they will be vigilant. We are entitled to be vigilant.

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I agree with everything Senator Prud'homme has said. I am quite sensitive to cut-backs. I come from a region of the country that, with only 3 per cent of the population, absorbed 16 per cent of the early budget cuts. We are fighting back, by diversifying our economy and by looking at other opportunities. While unemployment rates are still unacceptably high in my part of the world, we are improving the situation. It is a tough fight.

I am very sensitive to the representations made by all senators from all regions of our country. This is a major proposal. It affects the lives of all Canadians. When a suggestion is made that this issue be examined by the Standing Senate Committee on Transport and Communications or by way of special inquiry, I will wholeheartedly endorse and support such an initiative.

Senator Prud'homme: I have a supplementary.

[English]

[Translation]

The Hon. the Speaker: I am sorry, Senator Prud'homme, but question period is over. Many supplementary questions have already been put, and there is a senator who wishes to ask a question on another issue.

[English]

HUMAN RESOURCES DEVELOPMENT

MILLENNIUM SCHOLARSHIP FOUNDATION—IMPASSE IN
NEGOTIATIONS WITH QUEBEC AND NEWFOUNDLAND—
REQUEST FOR UPDATE

Hon. Jean-Claude Rivest: Honourable senators, perhaps the minister could give to the chamber the information related to the Millennium Scholarship Foundation. As you know, Newfoundland and Quebec do not have an agreement with the federal government, and the students are waiting. What is happening?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I thank the honourable senator for raising this question again. Senator Cochrane raised a similar question about the scholarships earlier this week. I do not believe my honourable friend was present in the chamber at the time. At that time, I indicated that agreements had been signed with eight of the ten provinces and one of the territories. The only two provinces that had not signed were Newfoundland and Quebec. I understand that there are still two outstanding issues with respect to the Province of Quebec, but it is hoped that those issues will be dealt with and a solution will be found in the very near future.

[Later]

[Translation]

DISTINGUISHED VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to introduce to you some distinguished visitors in the gallery. We are welcoming a delegation of the Canada-France Inter-Parliamentary Association. It is headed by François Loncle, head of the French delegation, and by Yvon Charbonneau, member of Parliament. On behalf of all senators, I welcome them to the Senate of Canada.

ORDERS OF THE DAY

PUBLIC SECTOR PENSION INVESTMENT BOARD BILL

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Sibbeston, for the third reading of Bill C-78, to establish the Public Sector Pension Investment Board, to amend the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the Royal Canadian Mounted Police Superannuation Act, the Defence Services Pension Continuation Act, the Royal Canadian Mounted Police Pension Continuation Act, the Members of Parliament Retiring Allowances Act and the Canada Post Corporation Act and to make a consequential amendment to another Act.

Hon. Anne C. Cools: Honourable senators, on June 16 last, I had spoken to Bill C-78. I had questioned the deliberately ambiguous drafting of this bill's clause 75, particularly its words "in a relationship of a conjugal nature." Clause 75, section 25(4), reads:

For the purposes of this Part, when a person establishes that he or she was cohabiting in a relationship of a conjugal nature with the contributor for at least one year immediately before the death of the contributor, the person is considered to be the survivor of the contributor.

I appealed to the principle that bills must be clear because Parliament should not countenance bills that are disingenuous or deceptive.

On June 17, in a vote for which I was absent, the Senate re-committed the bill to the Senate committee. I had hoped that this re-study would have caused the committee to correct the defects that I had raised. Unfortunately, the committee has not corrected them. Consequently, I cannot alter my position about clause 75 and about the impropriety of benefits grounded in sex rather than in formal social commitment. Clause 75 does a disservice to marriage, and to the social and legal purpose of marriage as the only social institution that society has developed for the care, nurture and sustenance of children. It is also hurtful to homosexual persons because it fails to legislate adequately and sufficiently in respect of beneficiaries and benefits in fiscal matters for homosexual persons.

Honourable senators, I shall cite some of the judgements which form the background of this bill's clause 75. I shall show that this clause is unworthy and, further, that it will erode marriage and subject the legality of marriage to constitutional challenge. I shall cite the Supreme Court of Canada's 1999 judgement in *M. v. H.*, the constitutional challenge regarding the Ontario Family Law Act, section 29, that provision which enables claims of spousal support for common-law spouses. This provision was originally motivated by the existence of children in common-law unions. Its legislative intention had been to encourage couples to marry, and to promote marriage.

In *M. v. H.*, Mr. Justice Frank Iacobucci wrote for the majority, and Mr. Justice Charles Gonthier dissented. The issue was the deliberate opening of the door to a raft of relationship claims, including polygamous claims. In dissent, Mr. Justice Gonthier said, at paragraph 155:

Plainly, this appeal raises elemental social and legal issues. Indeed, it is no exaggeration to observe that it represents something of a watershed. ...However, I am unable to agree with my colleagues' disposition of this appeal or their underlying reasons for so doing. I believe that the stance adopted by the majority today will have far-reaching effects beyond the present appeal. The majority contends, at para. 135, that it need not consider whether a constitutionally mandated expansion of the definition of "spouse" would open the door to a raft of other claims, because such a concern is "entirely speculative." I cannot agree. The majority's decision makes further claims not only foreseeable, but very likely.

Justice Gonthier's dissenting opinion is very important. I commend it. I laud him. He condemned Justice Iacobucci's paragraph 135, where Iacobucci said:

Thus, arguments based on the possible extension of the definition of "spouse" beyond the circumstances of this case are entirely speculative and cannot justify the violation of the constitutional rights of same-sex couples in the case at bar.

What Justice Iacobucci and the majority said they "need not consider" and dismissed as "entirely speculative," Justice Gonthier faced directly and declared that the majority's decision would make "further claims not only foreseeable, but very likely." I contend that Bill C-78's clause 75 will be the engine to drive those claims.

Honourable senators, the term "conjugal" is a matrimonial term and cannot be legally stretched to apply to erotic or sexual relationships between homosexual persons. The word "conjugal" is simply not that elastic legally, socially or biologically. The Shorter Oxford English Dictionary defines "conjugal" as:

Of or pertaining to marriage or to husband and wife in their relation to each other, matrimonial.

That same dictionary then defines the word "conjugate," then "conjugation." It defines the word "conjugation" in grammar, botany, mathematics, physics, chemistry and in biology. As we all know, "conjugation," in slang, is mating, as in the mating season.

About conjugation in biology, the Shorter Oxford informs that conjugation is the union or fusion of two cells for reproduction. In biology, conjugation means genetic recombination. A recombination of genetic material. Conjugation is a mixing of genetic material. Such genetic mixing invariably produces offspring in the human species, called issue. This human offspring is similar to both parents in respect of being of the same species, but though of the same species, on an individual basis, it is a unique organism, a unique person.

Honourable senators, the prerequisite condition absolutely necessary to genetic recombination in humans is the existence of two mating types. I repeat, there must be two mating types of the same species, but two different mating types — that is, different from each other in mating capacity and function in reproduction.

• (1000)

The two mating types are, first, a genetic donor, typically described as male, man, and a genetic recipient, typically described as female, woman. This is the process of genetic recombination. It is a recombination of genetic materials from both a man and a woman.

Honourable senators, it follows, then, that conjugation, genetic recombination, simply cannot occur in a situation where two mating organisms are of the same mating type, a condition simply described as homosexuality, hence the Greek prefix, *homo* and the word "sexual": homosexual. Homosexual sexual activities cannot be conjugal in the business of mating. The two homosexuals, as the prefix *homo* dictates, belong to the same mating type. Consequently, homosexual, erotic, carnal relationships cannot be conjugal or conjugal in nature, despite clause 75's attempts to so pretend.

It is troubling that the government has chosen to subject homosexual persons and all Canadians to this sort of legalistic, mechanistic and guileful manipulation of words. The government's legislation should be clear and give homosexual persons the sufficient and proper legislation in respect of benefits, beneficiaries and financial obligations. Legislating in this way demeans homosexual persons. I borrow that from the Supreme Court of Canada judgment. I say that legislating in this way demeans homosexual persons because it says that we will not legislate properly in their regard.

Honourable senators know so well that I do not respect the manipulation of words and legal terms simply to get the strategic result that the particular strategically positioned manipulator desires. Such manipulation, when by public lawyers, government and judges is governance beyond the law. Such manipulation is not only beyond the law, but is also repugnant to the rule of law because it subverts the very principle of legality itself upon which our law and our Constitution are founded. It is subversive and, I would say, corrupting of constitutionalism itself.

This sort of policy-making, law-making by stealth, in concert with politically activist judges and activist courts is unworthy and injudicious. The political use of judicial intervention or judicial process is not consonant with our Constitution. It also provokes misunderstanding and mistrust, and nurtures cynicism about political process, about Parliament, and even about homosexual persons.

Honourable senators, the minister has told us that this clause is necessary because the courts have so ruled in the *M. v. H.* judgment. The fact is that the Supreme Court did not grapple with the issue of conjugality and marriage and skirted the issue, as I cited earlier, leaving it to the next court challenge which undoubtedly this clause 75 will compel and drive. Justice Gonthier did predict a raft of claims. These claims will be seeking a declaration to void the current legal definition of marriage as between a man and a woman as discriminatory and demeaning to the dignity of homosexual persons and various other claimants.

Honourable senators, I shall quote *M. v. H.*, Ontario Court (General Division) as per Ontario Reports. Remember, honourable senators, that the issue was the Family Law Act, section 29. In a 1996 ruling on a motion, Justice Gloria Epstein addressed the legislature's activities on the Family Law Act. She stated, at page 611:

In those relationships marked by prolonged cohabitation, the legislature has chosen to draw the line at relationships between "a man and a woman." Is this a good marker? In my opinion, the marker chosen by the legislature in this case is a poor one.

Madam Justice Epstein added that, since the Ontario legislature had not or would not move forward, she, a judge, in the name of judicial independence, must. She said at page 617:

However, no valid reason has been advanced as to why the spousal support section of the F.L.A. should not be extended to include same-sex partners. This is particularly so when it is clear that the Ontario legislature cannot (or will not) move forward with such an initiative. As a demonstration of the inability of the parties to look to their elected representatives to remedy legislation which violates a constitutionally guaranteed right, one need look no further than the position of the Attorney General in this very case. In the first instance, the Attorney General intervened and filed a lengthy, detailed brief in full support of the plaintiff's case. The

government then changed as a result of the election in 1995. Shortly thereafter, the new Attorney General filed another brief in full support of the defendant, H. It is simply not realistic to regard the current state of Ontario law pertaining to spousal support as merely part of a process of legislative reform.

Honourable senators, that is a political statement. She turns judicial independence on its head and upholds it as a mechanism to supersede elected legislatures, saying at page 617:

It is difficult for the legislature to change the law in a particularly unpopular way, even if to do so would enhance a constitutionally protected right. It is for precisely this reason that an independent judiciary must take appropriate action.

However, having taken the politically correct action, she then poses the dilemma later raised by Supreme Court Justice Gonthier and dismissed by Justice Iacobucci and the majority. She said at page 619:

This decision may alter the assumptions upon which many relationships have been built. It creates confusion between s. 29 of the F.L.A. and other sections of the Act dealing with rights of spouses. It may open up the opportunity for different types of unions, even some perhaps involving more than two members, to come before the court. However, my task is to make a decision on the facts of this case according to the law. Concern over what may come next, whether by legislative action or any other route, should not affect the basic determination of whether this s. 15 violation is saved by s. 1.

This is political, not legal, reasoning. The assumptions, structure, composition, and membership of a marriage are political decisions, not judicial ones, and decisions best made by parliaments and legislatures.

Honourable senators, these profoundly political statements abound. In another judgment in 1998, *Rosenberg v. Canada (Attorney General)*, on homosexual unions and RSP benefits, in the Ontario Court of Appeal, Madam Justice Rosalie Abella declared at paragraph 40:

While elected governments may wait for changing attitudes in order to preserve public confidence and credibility, both public confidence and institutional credibility argue in favour of courts being free to make independent judgments notwithstanding those same attitudes.

Justice Abella relied on the high public respect for the courts' credibility to take the freedom and power to make law — in short, reliance on opportunity and personal belief rather than on law. The problem, however, is that now such judicial actions have eroded that confidence and currently the public is greatly dissatisfied with the courts' activism.

Honourable senators, I note that the committee studying this bill has sought no evidence, empirical data or research studies of homosexual persons' will to have such financial obligations imposed on them, and neither has the government nor the Department of Justice. Obviously in *M. v. H.*, homosexual female H. did not wish such obligations and argued thus. She did not wish to be treated as a spouse under the Family Law Act.

• (1010)

Studied empirical research on this point is scarce. My research revealed one study.

Hon. Fernand Robichaud (The Hon. the Acting Speaker): I apologize for interrupting the Honourable Senator Cools, but I must inform her that the time normally allowed for participation in the debate has expired.

Is it agreed that Senator Cools shall continue?

Hon. Senators: Agreed.

Senator Cools: This one study was mentioned in a speech at a July 1999 conference in England at the University of London's King's College School of Law. The conference was called the *Conference on Legal Recognition of Same-Sex Partnerships*. I note that Canada's Supreme Court Justice Claire L'Heureux-Dubé was a panelist at that meeting.

In his speech, Australian Justice Michael Kirby, well known for listing his same-sex partner in the Australian *Who's Who*, stated, at page 13:

As a background to what now follows, it is appropriate to say that such studies as have been conducted in Australia to sample the opinion of same-sex partners seem to indicate that the majority surveyed (80%) do not consider that marriage or marriage equivalence is desirable in their cases. However, they want the discrimination removed and the provision of legal protections against discrimination.

Further, the newspaper *XTRA*, published by Pink Triangle Press, and which purports to be the voice of homosexuals in Canada, tells us that there is no consensus among homosexual persons on the question of assumption of marital and marriage-like financial responsibility in homosexual unions. No studies or scientific measures of homosexual persons' wishes, measure of agreement among homosexual persons regarding the imposition of marital financial obligations have been considered by this Senate.

Honourable senators, in closing, I would like to state that, if Parliament and parliamentary review are to mean anything, it must be because some parliamentarians must stubbornly practise it and must consistently insist on it. Bill C-78's clause 75 is flawed because it is stealthy; it is disingenuous. Honourable senators, sex, sexual activity, sex-like activities and all carnal

actions are not a ground on which to found legal entitlements and obligations. Entitlements and obligations flow from social commitment, mutually accepted and given formally, not from carnal actions. Entitlements accrue from personal, social and formal commitments to relationships, not from sexual activity. Entitlements and rights accrue to human beings, not to sex. Human rights accrue to homosexual persons not because of sexuality but because of humanity. Human rights accrue to homosexual persons because they are human beings, not because they are homosexual. No rights accrue to homosexuality, to sexuality or to carnal activity of any kind.

Rights and obligations are not determined carnally. They are determined in mutual-commitment responsibility and time-based formalism. As senators, we owe a duty to all Canadians to ensure that they are not subjected to the legal insufficiency and manipulation that Bill C-78's clause 75 is proposing. We owe a duty to future generations to uphold and defend marriage as the legal, social and moral institution that it is, committed to the procreation, love and nurture of children. We owe this to future generations and to all our progeny.

Hon. David Tkachuk: Honourable senators, I have a question for the Honourable Senator Cools. I also had some problems with the particular definition used by the government in this bill because I thought it would lead to the courts making these decisions rather than Parliament. The government is contemplating a bill which will attack this issue in a full debate covering all federal statutes.

I think Senator Cools is right: There will be one big pension mess when this bill is passed. I know Senator Cools has done a significant amount of research on this question.

When I asked questions in committee about the definition of "conjugal," the witnesses said that sexual relationship was the key element that would cause the pension to accrue to a dependent. We have a lot of common law regarding marriage and how pensions are to be distributed but, on the question of homosexual relations, we have little common law.

I am working on an estate for a dearly departed friend. In dealing with her pension, I required a copy of the decree absolute that ended her marriage to her husband. She never remarried but, of course, the children will benefit from her pension entitlement since she was a federal government employee.

Has Senator Cools researched what happens to the pensions of persons involved in a homosexual relationship where there is no recognition of marriage? Suppose two men are living together and one dies and leaves a pension benefit to the surviving partner. What would happen if the survivor challenged the estate because he had a conjugal relationship with the deceased? Can that person claim an entitlement to a portion of the pension of the deceased? Has Senator Cools done any research on what would happen in that instance?

I foresee that, as soon as this law is passed, such challenges will arise in large numbers.

Senator Cools: I thank Senator Tkachuk for his question. As I said in my remarks, this bill is an invitation to claims. That was the opinion of Mr. Justice Gonthier in his dissenting opinion in *M. v. H.*

I also mentioned my concern about the strategic use of legal forums and legal personalities and legal interventions to achieve a desired result. That is why I cited the particular quotation from Madam Justice Gloria Epstein. As you can see in the case of *M. v. H.*, the Attorney General of Ontario was on both sides of the issue. At the outset, the arguments put forward by the Attorney General were in support of the plaintiff's position but, towards the end of the case, the arguments were on the side of the defendant.

These are profound questions. My dilemma is that, other than this one clause, I find no fault with the bill. I restricted my comments to this particular, narrow issue.

I often inquired about the meaning of "conjugal relationship." I was told it means a sexual relationship, but not all sexual relationships are conjugal relationships. In law and in marriage, it is the commitment, the mutual undertaking of responsibilities, which invokes the social obligations of the law to support that marriage.

I agree that it is a mess and it will continue to be a mess. That is your language, not mine. The entire issue is very complicated. Divorce is an issue which I have more fully studied. There are instances where people got married and then divorced, and there were questions about the custody of children; because during the marital breakdown one or both individuals had become homosexuals. It is enormously, extremely complex, and we have not done enough work on the subject-matter.

• (1020)

I am hopeful that the remarks included in the committee's report on Bill C-78 will bring some proper research and study by the Senate, by the Parliament of Canada, and by the Department of Justice to shed light in a very studied and practised way on what is really involved. We are talking here about foundational notions of society. What is a man? What is a woman? What is a marriage, and what is not? I am hopeful and optimistic that, as a result of these remarks in the report, we will move forward in a much more studied way.

The issue has been advancing by stealth. I cannot go into it here because we do not have the time. However, if you were to track each and every one of those cases and look at the positions that the Attorneys General adopted, what they yielded on, what they conceded, what they decided to appeal and not to appeal, we would see that there is a very firm and unrelenting path leading to the declaration that a marriage between a man and a woman is illegal. That is my fear.

Unfortunately, many of us get ensnared in the fear of being accused of homophobia, or some other bit of negativity. My concern, and I have said it again and again, is that the question of benefits and beneficiaries for homosexual persons should be dealt with adequately in a way that all human beings and all people of Canada can support.

Hon. James F. Kelleher: Honourable senators, that speech will be a tough act to follow. I must confess to you that my speech will not be as sexy as Senator Cools' speech.

Honourable senators, with Bill C-78, the government has taken an altogether different approach to its pension plans than the approach it has taken for other employers under federal jurisdiction. It seems that there is one law for the government and another law for everyone else.

Allow me to use a household name as an example: Eaton's. Yes, Eaton's falls under provincial laws as far as pensions are concerned, but the basic rules set out for employers in the federal domain are about the same as those set out in the laws of Ontario for companies like Eaton's, which is probably now down for the final count.

Eaton's has been on and off the ropes for the past decade. Two years ago, however, it wanted to get at the surplus in its employees' pension plan, something that you, too, might try if you had creditors nipping at your heels. The plan had some \$652 million in assets but only \$386 million in projected benefit obligations. The plan documents were silent on who owned the surplus, so Eaton's had to come to an agreement with its employees on surplus sharing. It could not simply dip into the account. The end result was that \$230 million was taken out of the fund, with Eaton's taking about \$108 million of that as employees agreed to share part of the surplus to help keep the company afloat.

The blessings of the Pension Commission of Ontario were also needed, as plans must have enough of a cushion to remain solvent over the long run. The federal government, of course, is not subject to any kind of regulatory test.

Honourable senators, in the 1970s, at the very time the government says there was a huge deficit in its plans, many private sector employers also found that their plans were in a deficit position as a result of double-digit inflation and the 1974 oil shock. The plan sponsors had to make up the deficit. Many of those same plans now have a surplus; yet, because of the way in which the plan documents are worded, employers cannot get at that money unless the plan members agree.

The government ignored the law that it passed for the private sector when it introduced this bill. It said, "We do not care."

Honourable senators, why should government employees be treated any differently from private sector employees? Is it fair to give rights to private sector employees and then not give the same rights to public sector employees?

Honourable senators, less than two years ago, we passed Bill S-3 which essentially said that if the plan documents are silent on who owns the surplus, which is the case here, both the Superintendent of Financial Institutions and the employees must agree to any employer proposal for the withdrawal of funds. Since the employees are not likely to agree to any proposal unless there is something in it for them, that effectively means that the surplus must be shared with plan members. It does not matter what risks have been assumed. It does not matter whether or not the employer has been called upon to make up for a deficit in the past. It does not matter whether the employer pays for 60 per cent of the plan or whether it pays for 100 per cent of the plan, which, by the way, is the norm in about half of the private sector plans. It does not matter whether the company is on the verge of bankruptcy or whether it is rolling in money. The bottom line is that, under the federal Pension Benefits Standards Act and under the laws of the provinces, unless there is something in the plan documents to the contrary, the employer cannot simply walk in and strip the plan of its surplus.

The basic principle behind the surplus-sharing rule that applies to the private sector is that, in the absence of anything in the plan documents to the contrary, the employer's contributions are part of the overall compensation package. I understand that the unions have evidence that the federal government has also, on occasion in the past, said that its plan is part of the overall compensation package, and that they plan to use this as part of their court challenge of this bill.

It is unfortunate that it has come down to this — bad legislation rammed through Parliament to be followed by litigation. Add to this potential litigation over the definition of "conjugal" and you can see that the courts will spend a lot of time dealing with the ramifications of this bill. Far be it for me to malign the legal profession. I know Senator Kirby will be happy to hear that. However, this bill is a job creation program for lawyers for years to come.

Even if the plan documents do give the employer the right to a surplus, nothing can be taken out without the blessing of the Superintendent of Financial Institutions, as the plan must remain solvent over time.

Honourable senators, anywhere outside of the federal government, pensions are clearly a trust arrangement. Funds are set aside that the employer cannot touch. The employer cannot use them to finance company operations, as the federal government has done over the years. The employer cannot unilaterally cut benefits to existing pensioners, as the government has done in the past, with the "six and five" program, and as government officials during the hearing said they could very well do again in the future. Here, again, honourable senators, we have a double standard.

The public service plans do not fall under the restrictions set out in the Income Tax Act with respect to the maximum benefits that can be accrued each year on a tax-exempt basis. The unions have said they would be quite willing to be brought under the

Pension Benefits Standards Act, which sets out plan minimums, and the Income Tax Act, which sets out the maximum benefits that can be accrued without triggering employee benefit taxes.

• (1030)

This government's plans are a matter of benevolence, not a matter of trust. This is a 19th century attitude that is alive and kicking within the Government of Canada in the dying days of the 20th century. The government takes this attitude for those who work for it directly, yet there is a different set of rules for those who work indirectly for the government, through Crown corporations.

CMHC, which offers a virtually identical plan, is dividing \$44 million from its pension surplus among 4,500 current and former employees, an average of about \$10,000 per employee. The big difference is that the CMHC plan follows the Pension Benefits Standards Act. Its surplus results from market investments that have exceeded actuarial requirement. It is a pity that, until now, the public service plan has not been invested in the markets. If we had done so, there would be either a lot more than an extra \$30 billion in the pot, or premiums would be a lot lower.

The government bases its claim to the public service surplus on the premise that it has assumed plan risks and has made up past deficits. Yet as a plan following the Pension Benefits Standards Act, CMHC is responsible for plan deficits and has had to meet such deficits in the past. Honourable senators must wonder why surplus sharing is the right thing for a government Crown corporation but an inappropriate course of action for the government itself.

CMHC is acting in accordance with the Pension Benefits Standards Act. The President of the Treasury Board does not think that the Pension Benefits Standards Act should apply to the public service plans. One also must wonder about what will happen in the government's other Crown corporations. Are they also in surplus? Will they also be paying out the surplus? Will the employees benefit from a premium holiday? In other words, is CMHC just the tip of the iceberg?

Honourable senators, I again stress that the federal government is treating its employees in a different manner than it requires other employers to treat their employees. This, honourable senators, is not fair.

MOTION IN AMENDMENT

Hon. James F. Kelleher: Honourable senators, this bill is far from perfect. We have heard this again and again, both in committee and in this place. I have an amendment here which is only a small step towards improving this bill. I move:

That Bill C-78 be not now read a third time but that it be amended —

Hon. Michael A. Meighen: I second that motion.

Senator Kelleher: Thank you, Senator Meighen.

Honourable senators, all of these proposed amendments relate to the mentions of "surplus" in this proposed act. I will repeat my motion. I move, seconded by Senator Meighen:

That Bill C-78 be not now read a third time but that it be amended:

- (a) on page 74, by deleting clause 94;
- (b) on page 75, by deleting lines 1 to 48;
- (c) on page 76, by deleting lines 1 to 14;
- (d) on page 127, by deleting clause 150;
- (e) on page 128, by deleting lines 30 to 48;
- (f) on page 129, by deleting lines 1 to 47;
- (g) on pages 177 and 178, by deleting clause 197;
- (h) on page 179, by deleting lines 1 to 48;
- (i) on page 180, by deleting lines 1 to 19;
- (j) by renumbering all clauses, sub-clauses and cross-references accordingly.

[Translation]

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

Hon. Pierre Claude Nolin: Honourable senators, on June 15, 1999, the Senate Standing Committee on Banking, Trade and Commerce tabled its twenty-seventh report on Bill C-78, to establish the Public Sector Pension Investment Board.

Even though it did not propose any amendments, the committee expressed some concerns in its report, particularly as regards the appropriation — and I used a very polite term, one which, at least, is not unparliamentary — of pension plan surpluses, which total over \$30 billion. As you undoubtedly read in the report, several members of the committee continue to believe that the employer, namely the federal government, should not have unilateral access to the current pension plan surpluses, without such use being negotiated between the parties involved.

Until yesterday, both sides of this house believed that the pension plan surplus rightly belonged to the government under the provisions of Bill C-78. However, in a speech delivered on

Wednesday, Senator Kirby expressed a reservation about this belief. He stated, and I quote:

The reality is that this bill does not directly create any legal entitlement to the surplus.

Later on, in answer to a question from Senator Lynch-Staunton, he repeated this position, reaffirming that, and I quote:

...the bill does not create an entitlement. The government believes it is entitled to the surplus. The bill deals with the question of the allocation of the surplus or, if you want, the use of the existing surplus, and puts forward two different proposals, one of which is a slow, "phase out over time" proposal.

More specifically, he said in his speech that it would be up to the courts to rule on what would ultimately become of this surplus. This is interesting, because it gives me an opportunity to remind you of two landmark decisions on the use of and entitlement to surpluses in private pension funds. The Quebec courts that handed down these two decisions did not choose their words with an eye to parliamentary usage. They talked about robbery and the Quebec Court of Appeal ruled in favour of the employees. Is the government forgetting about these rulings from ten or fifteen years ago because it is in its interest to do so?

One of the decisions involved former employees of Simonds in Granby and of Singer in Saint-Jean-sur-Richelieu. When these two factories were closed in the 1980s, 103 Simonds employees and 600 Singer employees were delighted to discover that their respective pension funds contained surpluses. At the time, there was a surplus of \$5.6 million in the Simonds fund, and \$4.5 million in the Singer fund. But they discovered two less delightful things that threatened their dreams of a wonderful retirement.

• (1040)

First of all, in the late 1970s — and this is important because there is a parallel between what we are seeing at the present time and what happened in Quebec in the case of these two companies — the two companies unilaterally changed the rules of their employees' pension plan in order to get their hands on the surpluses in the pension funds, should the plants close.

However, management of both companies was required to notify the respective employees of these changes, as the regulations of the two plans indicated. This they did not do, knowing full well that disclosure would stir up disagreement.

When the two companies closed their Granby and Saint-Jean-sur-Richelieu plants in the mid-80s, they took off for the United States with the surplus, to the great amazement of their employees, who could do nothing about it. We still have a legal system that is independent of Parliament, and the courts were able to settle this. Thank heavens!

That was not the end of the injustices, however. The two unions discovered that both companies had taken contribution holidays from paying into the employees' pension plans from 1980 on, given the presence of a surplus, which was reported at the time. The companies were therefore financing their contributions to their workers' pension fund from the surplus, and indirectly pocketing the profits.

In the meantime, the employees, who were left in the dark as far as the presence of this surplus was concerned, continued to be the sole contributors to their pension fund. Only later, in 1988, did the ex-employees entered into class actions against their respective companies. In 1991, Quebec's Superior Court supported the Simonds employees' attempt to recover the surplus in their pension fund, and in 1993 did the same for the Singer employees, on the same grounds.

Unfortunately, but predictably, the two companies were unwilling to pay their former employees what was owing to them, and launched an appeal before the Quebec Court of Appeal. In February 1995, that court ruled in favour of the former employees. Once again, the employer filed an appeal before the Supreme Court of Canada, but authorization to appeal was denied in June 1995.

Simonds, which became Eljer Manufacturing Inc. in the United States, had to pay back to its former employees a sum of \$10 million, with interest, after having unfairly taken that money from the pension plans, in 1986. As for Singer, it was ordered to pay back the principal and interest, that is a total of \$15 million, for surpluses illegally appropriated and for not making contributions between 1980 and 1986.

After seven years of endless and bitter legal battles, the impoverished former employees of the two companies could finally get what was rightfully theirs.

Honourable senators, as we can see, these two businesses sacrificed their employees' right to retirement by illegally appropriating the pension plan surpluses of their respective employees, while also taking a holiday on premiums. Moreover, by challenging the rulings of Quebec's Superior Court and Court of Appeal, both of which condemned their fraudulent actions, they showed to the public how little they cared about their employees' retirement.

As for the federal government, it is clearly more concerned about the money in the federal public servants' pension plan than about the health of contributors, even though the context is different in the two cases to which I just referred. However, this is nothing new. We witnessed the high-handed manner in which the federal government made off with the employment insurance fund surpluses, even though the act prohibited such action.

Honourable senators, in these situations the government always seeks to protect workers. In the case of the two businesses to which I referred, governments across the country reacted to

these decisions, including the federal, Quebec and Ontario governments. They all set rules to prevent such shameless fraud. Now, it is the federal government that is the employer and the situation is a little different. So, in these situations, the government always seeks to protect workers or, I might say, voters. This is why a number of amendments have been made to federal and provincial acts governing the use of private pension plans. The purpose of these amendments was to make sure that other employees would not experience the uncomfortable situation of the former workers of Simonds and Singer.

Under the Pension Benefits Standards Act, 1985, which was passed in order to avoid the problems I mentioned earlier, and under provincial legislation, an employer may no longer decide, when the whim strikes it, to take over the surplus accumulating in a pension fund. It may only do so if the component documents so entitle it after it has first consulted plan beneficiaries, i.e. employees, and signed an agreement with them.

More recently, in 1998, in order to give more teeth to this provision, the Senate passed Bill S-3, which required that employees and the superintendent of financial institutions be consulted before the employer could remove any money from a pension plan. This legislation was also a get-tough move. Is the government once again showing us how good it is at ignoring its own legislation?

According to our information and to what Senator Kirby said, it is obvious that the government is going against its own principles. The Treasury Board is subject to the same laws that apply to the private sector. Furthermore, it is not specifically mentioned in the documents describing the operation of the federal government employees' pension fund that any surplus automatically reverts to the federal government.

Before concluding my remarks and supporting the amendments now before you, I would like to cite two important passages from the Quebec Superior Court decision on the application by former Simonds employees.

In his 1991 ruling, Judge Fréchette viewed the pension fund as a social safety measure for the protection of workers' retirement. In the case of a plan the costs of which were shared between the employer and its employees, the judge wrote, and I quote:

...that it is a legal document in the nature of a contract within the meaning of the Civil Code.

I hear my colleagues from outside Quebec saying that the Civil Code does not apply to the federal government. I would say to you that the federal government has contracts. If you look closely at your treatises on financial administration, you will see that the federal government can enter into contracts.

Do not forget that the Supreme Court — and this was confirmed by the Supreme Court — never agreed to hear the Simonds appeal. The Supreme Court therefore agrees with the Appeal Court ruling.

Hon. Pierre De Bané: No.

Senator Nolin: Yes, it is in agreement. The legislation is going to be passed, but public servants will have to wait patiently, as this thing is going to take another 15 years.

Senator De Bané: Honourable senators, to respond to what Senator Nolin has said, I would indicate that Supreme Court denial of permission to appeal does not mean agreement with the decision.

Senator Nolin: I do not need the honourable senator to tell me that.

The Hon. the Speaker: Honourable senators, I am sorry, but that is not a point of order. You will be able to make this point after Senator Nolin's speech.

• (1050)

Senator Nolin: When the judge addressed the matter of the characteristics of a plan such as this, he envisaged the re-establishment of a contractual relationship such as is created by the formation of a pension plan. There is no indication that the formation of such a contractual relationship cannot exist between the federal government and its employees. He stated as follows:

Moreover, even within a unilateral plan made up solely of employer contributions, it must also be concluded that a contract does exist, since the two parties concerned by such a plan may, on the one hand, claim certain rights, while on the other hand they are bound by certain obligations.

In light of these new facts, the federal government is likely to have trouble justifying its unilateral decision to take over the surplus in the federal government employees' pension fund, although the government can do as it pleases, according to Senator Kirby and the Treasury Board representatives, without any need to consult the key parties concerned. He totally denies the contractual relationship that exists between the two parties. The courts do not appear to agree with this simplistic view.

Honourable senators, given that context, could the next speaker from the government — I hope it will be Senator De Bané — tell us if there is some unity within cabinet regarding the answers to the three following questions: First, why is the government, which strives to protect retirees and workers from the private sector, suddenly changing its policy when it comes to the public funds that it is administering without complying with its own legislation? Second, should the government not

recognize that the two decisions mentioned above should apply to Bill C-78, even though the context and the jurisdiction are not the same? Third, does the government not have any hesitation about infringing on its employees' right to retirement? We are anxiously awaiting the answers to these questions.

Senator De Bané: Honourable senators, the Deputy Leader of the Opposition and my colleague Senator Nolin are asking me to comment on their remarks. All I wanted to say to Senator Nolin is that he made a gross mistake when he said that when leave to appeal is denied by the Supreme Court, it means the Supreme Court supports the decision handed down by a provincial Court of Appeal. Unfortunately, this is not how things work. The Supreme Court may refuse to hear a case for a number of reasons. The number of hearings is limited to 125 per year. It is unfortunate that the Supreme Court does not explain why leave to appeal is denied. This is something I heard a number of times from the justices of the Supreme Court themselves. The court deeply regrets the fact that people conclude that, because the Supreme Court denies leave to appeal, it means that it supports the decision handed down. This is the only comment I wanted to make about the most interesting remarks made by the honourable senator.

[English]

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment of Senator Kelleher?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen.

The Hon. the Speaker: Call in the senators.

The whips have agreed on a half-hour bell. The vote will take place at 25 minutes after eleven o'clock.

● (1125)

Motion in amendment negated on the following division:

YEAS

THE HONOURABLE SENATORS

Andreychuk	LeBreton
Atkins	Lynch-Staunton
Beaudoin	Meighen
Bolduc	Murray
Buchanan	Nolin
Cochrane	Oliver
DeWare	Pitfield
Di Nino	Prud'homme
Doody	Rivest
Ghitter	Robertson
Kelleher	Rossiter
Keon	Simard
Kinsella	Stratton
Lawson	Tkachuk—28

NAYS

THE HONOURABLE SENATORS

Adams	Kirby
Bryden	Kroft
Callbeck	Lewis
Carstairs	Losier-Cool
Chalifoux	Maheu
Christensen	Mahovlich
Cook	Mercier
Cools	Milne
Corbin	Pearson
De Bané	Pépin
Fairbairn	Perry
Ferretti Barth	Poulin
Finnerty	Poy
Fitzpatrick	Robichaud
Fraser	(<i>Saint-Louis-de-Kent</i>)
Furey	Rompkey
Gauthier	Ruck
Gill	Sibbeston
Graham	Stewart
Hays	Taylor
Joyal	Watt—42
Kenny	

ABSTENTIONS

THE HONOURABLE SENATORS

Nil

On motion of Senator Christensen, debate adjourned.

● (1130)

CANADIAN ENVIRONMENTAL PROTECTION BILL,
1999

THIRD READING—MOTION IN AMENDMENT—VOTE DEFERRED

Hon. Nicholas W. Taylor moved the third reading of Bill C-32, respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development.

He said: Honourable senators, the report that you have before you is one of the few in which the majority report is only about one-third the size of the minority report. Much of the minority report is focused not on the bill but on the perceived mistreatment by the committee of certain committee members who did not appear to have enough time to process the bill in the way in which they wanted to process it.

It is well for honourable senators to remember that we received the bill in this chamber on June 9. We tried to have committee meetings in June and, when that failed, we tried for July. We were finally able to have some meetings at the end of August. Even then, when it was moved in committee that all votes be taken at a certain time in order to report the bill to the Senate on September 7 when the house was to meet, we had heard all of the witnesses that were slated to be heard. There certainly has been plenty of time to discuss the issue.

On the other hand, senators opposite do have a point. Since this is an environmental bill, it has to be gone over every four years. It was first passed in 1988. Unfortunately, it took six years to get it to the point where we have it today. By its very nature, an environmental bill is always a moving target for a couple of reasons. The first is that the nature of science is that better methods of manufacturing or controlling toxic substances are always being developed. At the same time, new substances or new types of manufacturing and use take place almost daily. As a result, the new items coming on to the market are sometimes advantageous and sometimes not. In many cases, what starts out to look like a wonder drug or a wonder chemical turns out to be a nightmare as time goes on. Thus, it is always a moving target.

Different environmental groups found that the bill did not go far enough. How much of that was due to substantive findings or research, and how much was done to raise the profile of the different organizations is hard to determine. After all, these are organizations which depend upon charitable donations to fund themselves. Much of the opposition was based on rhetoric and what had been done in the past. For instance, we were told about uranium pollution in the 1930s. We were told about the tar ponds that besiege Cape Breton. Even the honourable senator opposite who used to be the premier of that province would now and again pull out his violin and go on about the tar ponds. However, that did not have much to do with today's environment regulations. Therefore, a great deal of the opposition was concentrated on bringing forward what went wrong in the past. As someone once said, if you ignore the past, you will have an awful future. Nevertheless, it did not have that much to do with the actual faults and shortcomings of the bill.

This is a difficult and multi-faceted bill. It has 356 clauses and four annexes. It was 11 years in the making. It does not take much for a critic to find some faults with it. The point is that going after the environment is like going after a moving target.

Those who are Tennyson fans and have read his poem entitled *Ulysses* will remember what he wrote about Ulysses upon his return home. He was a little fed up with having nothing to do. Someone asked him why, to which he replied:

Yet all experience is an arch where thro'
Gleams that untravell'd world whose margin fades
For ever and for ever when I move.

Nothing could be more apt when talking about the environment. Its margin fades forever and for ever as you move.

We are in great danger, and we have been in the past, of paralysis by analysis, which is another saying, which is exactly what has happened with past bills. In our analysis of this bill we have seen that there is no way of coming up with a perfect answer. It is very easy to become in danger of being paralyzed into inaction because you have one more perfect amendment that you must make.

This bill contains a number of improvements over the old bill. Clauses on equivalency have been tightened up. In that vein, we must bear in mind that this is a confederation, and the federal government does not have absolute authority to enter into many areas. The equivalency clause works this way: If a local or provincial government already has a law, a restriction or a prohibition that is as good or tougher than the federal environment legislation suggests, then there is no need to go further.

Another part of the legislation which has been tightened up has to do with the minister's investigation time. One of the faults in the existing legislation is that the minister has no time limits placed upon him or her. This bill places a definite limit on how much time the minister can take to investigate.

The precautionary principle was also tightened up. Under the provisions of this bill, the precautionary principle would allow the minister to move in upon receipt of scientific evidence that a manufacturing enterprise could create some toxic chemicals.

Measures for consulting with provincial and territorial governments have been tightened up. As I mentioned before, because of the complex nature of Confederation, the federal government does not have absolute authority in the environmental field.

The bill also tightens up environmental emergency plans. As we have found through the years, some of these provisions were a little slow in getting under way.

In the bill there is a notion of risk assessment and risk management tied in with cost effectiveness. The old risk management and risk assessment regimes did not use cost effectiveness as much as it should have been used. Consequently, cost effectiveness measures have been introduced in this bill.

There are some additions to this bill which are fairly important and which would have been lost had this bill been allowed to die on the Order Paper. First, provisions to consult with aboriginal governments are not contained in the existing legislation. Because of the close tie which aboriginal peoples have with nature, and the fact that a great deal of our land still lies outside of urban areas, it was felt that aboriginal governments should have a strong input in this field. They now have that by virtue of this bill.

• (1140)

Also, aboriginal governments will be allowed to bring in oral information, much as is the case with respect to treaties in British Columbia, after the courts said that oral information passed down from generation to generation could be used.

I have mentioned cost effectiveness. Many of the critics jumped on the cost effectiveness clause and said that it would allow companies to say, "We cannot shut this plant down because it would not be economical to do so." That was not the aim of cost effectiveness in this bill. Rather, it had to do with which place was the best place to do the removal of a contaminant. I will take a simple example like sulphur. It is a lot easier to remove that from gasoline at the refinery than in the automobile. Where in the chain you take a toxic out, or reduce it to a level where it is non-poisonous, is more what cost effectiveness refers to.

The new bill also introduces the concept of virtual elimination. Even after all these months of studying the bill, I am not positive about the precise meaning of that, but I understand it to mean basically eliminating a toxic substance down to the level where it cannot be measured. However, that in itself is a moving target because, as science gets better and better at measuring, the level to which you can reduce will be better, or higher, or more developed than it has been in the past. Some of our

manufacturers — fertilizer manufacturers, vehicle manufacturers and a few others — were very concerned that this could impose costs on them in the future that they cannot anticipate today. On the other side, we had environmentalists asking: What is wrong with eliminating these substances entirely? That gets to be like the argument of how many angels can dance on the head of a pin. When you have it reduced to the point where you can no longer measure it, how do you reduce it even further? How do you know you can reduce it to zero? However, that is a side argument.

Another right that the government has introduced in this bill, and which we liked, is the right to sue. It is the first time we have come close to class action suits on the environment. Senator Hays will be speaking later, and we all know his reputation for going into things very thoroughly. He will develop that concept much more, but the right to sue is something that is new in this bill, and I think it is fairly important if we are to keep the government and other organizations on their toes in looking after the environment. The concept is focused not so much on being able to sue the organization that is polluting as it is in being able to sue the government after the government has been given notice that the pollution is taking place, and has done nothing about it. Then a citizen will have the right to sue.

The bill provides whistle-blower protection, which goes hand in hand with the right to sue. How will you find out what is being disturbed in your environment unless someone, usually in the corporation or in the manufacturing enterprise, has the freedom to blow the whistle?

Lastly, the government has introduced a section on something that was hardly talked about in 1988: biotechnology, which generally refers to genetic modification, endocrine disrupters, hormone replacement, and additives. These are all things that have become important today, particularly with respect to food production, because they are able to reduce the cost of producing our food and, at the same time, extend the areas geographically in which we can grow certain types of foods where we could not do so before. However, we have found a number of problems in biotechnology.

The committee heard the problem with the development of a canola that is resistant to Roundup spray, which kills all other broad-leaf plants. If the canola can resist Roundup, then the Roundup kills all the other plants around it. Thus the canola gets more energy, sustenance and water, and grows bigger, and you get a better yield. However, in Europe, they have those small fields, and if you use that resistant canola, all your neighbours end up with a beautiful, yellow, blossoming weed that they cannot kill with Roundup. That was a result we had not perceived.

There was another problem that we heard about. After 10 years of marketing hybrid corn in the United States, it was found that the monarch butterflies, which had been disappearing in large numbers over the last few years, were susceptible to the pollen from this type of corn. It was killing the butterflies. The Europeans, quite correctly, felt that if it will kill butterflies, it can

hardly be good for us, and no one would buy that type of genetically modified corn any more, even if it yielded something like 50 per cent more than other types.

That does not mean that all types of genetic modification are wrong. In Canada, our Department of Agriculture is actually pushing to get beef into the European market that has been raised with hormone implants, while the Europeans are arguing that they do not want anything to do with a hormone implant.

This is one of the more intriguing parts of this environmental bill. The proposed act is supposed to be an envelope or shawl over all the other departments, which in turn will make their own rules with respect to food and drugs, agriculture, and so on. As you can see, we have some issues looming on the horizon. The Department of Agriculture is quite interested in genetic modification and increased production, the Department of Health is worried about some of the fallout from it, and the Department of the Environment will probably end up as a referee.

Honourable senators, that is a very brief, thumbnail sketch of a bill with 356 clauses. I do not pretend to be an expert on it.

Hon. David Tkachuk: Would the honourable senator entertain questions?

Senator Taylor: Certainly.

Senator Tkachuk: At the beginning of his speech, Senator Taylor questioned the motivation of those who oppose the bill. I thought I heard him say that some environmental groups opposed the bill because they needed that as an excuse for fund-raising. Is that what he said?

Senator Taylor: I think the honourable senator abbreviated my comments a bit. I said that the environmental groups get a very high profile for any of their interventions. It must be remembered, of course, that environmental groups, as a general rule, depend on donations, and therefore they present some rather doomsday scenarios. In fact, many of the environmental groups talked about what went wrong in the past rather than about the present bill.

Senator Tkachuk: I believe what Senator Taylor is saying is that they are exaggerating their negative opinions of aspects of the bill so that they could raise money. Could he just correct that?

Senator Taylor: They are exaggerating the evils of it because it would help their organization raise money, but, in addition, they are hired to do this.

Senator Tkachuk: Perhaps Senator Taylor could tell us what groups he thinks were doing this? Was it the Sierra Club, or other groups? If he cannot be specific, that means he is saying they are all doing it.

Senator Taylor: Yes, I would think that most of the people who opposed the bill on the grounds that it did not go far enough exaggerated the effects that would result if the bill were put in place.

• (1150)

I felt that those who opposed the bill on the grounds that it did not go far enough were exaggerating the doomsday scenarios for the future. In my personal opinion, they were exaggerating.

Senator Tkachuk: Is that the view of the government?

Senator Taylor: I do not know the view of the government. The government position is that they listen to all groups, environmental and industrial groups. That is what we did. I am merely remarking on the evidence which was heard. In my opinion, we heard exaggerated views of the evils that would take place in the future.

Senator Tkachuk: Does Senator Taylor think that Alcan exaggerated its claims for the same reason, that is, to make money?

Senator Taylor: Yes. If the honourable senator does not think that, perhaps he still believes in Santa Claus and the tooth fairy. I would think that aluminum company was very worried about the profits it would make.

Senator Tkachuk: Did Alcan perhaps donate a few bucks to the Liberal Party of Canada?

Senator Murray: No, but they will.

Senator Taylor: They used to donate more to the Tories than to the Liberals. I do not know if it helps or not. In my days of collecting money, most of the major manufacturers in this country donated to both political parties.

Senator Tkachuk: This is a kind of win-win situation: You draft a bill; lots of corporations become upset; they write letters; and they give money to the Liberal Party. This is a fund-raiser.

You also say that the environmentalists exaggerated their claims in order to raise money. This is a heck of a way to run a government.

Senator Taylor: It seems Senator Tkachuk has answered his own question. Both sides exaggerated their claims in order to maximize their position in society. Whether you are a manufacturer or an environmental lobbyist, you will push your claim to its outer limits to get what you want.

The Hon. the Speaker: Honourable senators, the time period for this speech has expired.

Hon. Ron Ghitler: Honourable senators, I rise to speak on Bill C-32. I do so on the basis that the bill represents a very serious position for the Senate of Canada. I do so from the point of view of what this means to all of us as members of the Senate of Canada.

I would suggest that, if ever one were to search for an example of the lack of relevancy in 1999 of the Senate of Canada, the past two weeks of hearings in the Standing Senate Committee on

Energy, Environment and Natural Resources stands as stark evidence in support of such a proposition. If ever one needed ammunition for the argument which I have often raised that partisanship will be the ultimate ruination of the Senate of Canada, one need only read the transcripts of the deliberations of the committee on Bill C-32.

If ever one needed an example of the contempt that today's government holds for the Senate, the arrogance of the Chrétien government and its failure to serve the public interest when lobbied by the might of corporate Canada, Bill C-32 is a sad but profound chronicle of such an argument.

If ever there were a time for this chamber to rise as one and affirm that the health of Canadians is worth more than a superficial, unworkable, convoluted piece of work that masquerades as environmental protection, it is now. Bill C-32 offers that challenge and that hope.

No one could have sat through the nine lengthy days of testimony, as I did with my colleagues on the committee, and not come to the responsible and rational conclusion that the bill is flawed and cries out for amendments. All senators take great pride in the depth of analysis and study that we provide in our committees. How often have I heard the argument — and it is true — that our committees' work is our *raison d'être*, our pride and the source of our greatest achievements above everything else that we do in this chamber?

On Tuesday, I listened to the glowing remarks of Senators Graham and Lynch-Staunton as they welcomed our new senators. They emphasized the importance of our work in this chamber. All the while the spectre of Bill C-32 was waiting in the wings and I thought to myself: Oh, if it could only be; if we were permitted to do our work, how important the Senate of Canada could become.

I suggest to our new and talented senators that what you heard on Tuesday was the rhetoric of what could be — not what is. For, as in the case of Bill C-32, if the work of our committees becomes suffocated by artificial deadlines, by no-amendment decrees, by closure and partisan thoughtlessness, the very reason for our existence in our present form is in question. The process by which we considered Bill C-32 is an affront to this institution and the important work which we could, if permitted, do for the benefit of Canadians.

The Anderson bill is a gutless, worthless piece of legislation that sadly has the potential of doing more harm than good.

These are difficult observations for me to make in this chamber. I very much believe in the importance of the Senate. I respect the tremendous talent and wisdom that are so evident here. It is not easy to stand before you and provide such critical comments and, by so doing, I mean no disrespect toward the Liberal members who sat on the committee examining Bill C-32. They are honourable, dedicated senators, but they are under immense subtle and overt pressure to accept the party line and be loyal party members.

I know, for example, that Senator Adams is very concerned about the contamination of the food supply in the North. As one Inuit witness testified before the committee, his people are like the canary that is carried into the mine to test the safety of the environment, in this case, for the rest of Canada. They cannot eat their country food, the caribou, the fish, because they are contaminated. Southern Canada could be next.

Senator Adams sent me a letter on August 13, 1999. Many of you may have received the same letter. In it he states:

I have many concerns about the impact this bill will have on Canadians, particularly in my own region of the North. All Northerners are familiar with the threats posed to themselves and their environment as a result of decades of trans-boundary pollution. In fact most people rely on wildlife and marine mammals as their main source of food and they face the reality of pollution every day on their dinner plates.

Over the past decade, Health Canada has issued advisories, cautioning people to either reduce or restrict their consumption of parts of some wildlife. Studies carried out under the Arctic Environmental Strategy have indicated Inuit women carry levels of PCBs in their breast milk ten times higher than their counterparts in southern Canada.

He continues later:

It is my view that the environmental and health matters in the North may be the most serious in the country. I think it is therefore important that our Committee, and Northerners themselves, hear from the Minister of Health specifically how, through Bill C-32, the concerns facing Northerners and Canadians will be addressed.

In conclusion, I would like you to know I intend to participate fully in our upcoming hearings. I will be offering a number of amendments myself and I look forward to working closely with you and other colleagues to take whatever steps are necessary to ensure this legislation lives up to its full intent in terms of protecting human health and the environment.

• (1200)

No amendments were forthcoming. I know, for example, that Senator Chalifoux wanted Métis representation on the advisory committee created in the bill. In committee, an important amendment was put forward that would allow her people to have the representation because they face the problems in the environment daily. We debated Senator Nolin's amendment which would have allowed for such involvement. All the Liberals voted against the amendment. In committee, Senator Nolin proposed an amendment to allow for such involvement. Every Liberal voted against the amendment.

I affix no blame or criticism to my friends Senator Adams or Senator Chalifoux. They are committed, wonderful, dedicated, honourable senators. It is the system that is wrong. It is the partisanship that is our failing. It is the control of this place by the Prime Minister's Office that strangles us. It turns intelligent, wise, and committed public servants into mere followers, intimidated into accepting the party line. How unfortunate and tragic for the people of Canada. Political scientists and Senate abolitionists should study the history of Bill C-32 if they wish to advance the arguments about the irrelevance of the Senate.

Let me provide you with the facts that support the very candid observations that I have just made. To do so, a little background history must be described, and I do so on two fronts. The first front is the disregard of the government for the Senate and our committee system as seen in the unrealistic and unfair position the committee faced in dealing with Bill C-32. The second front, unfortunately, was the failure of the committee to truly and fairly examine Bill C-32 and to provide considered thought and attention to repair a very faulty and unworkable piece of legislation.

Bill C-32 is a five-year review of the existing CEPA legislation which has been in force since June of 1988. A prior attempt at modernizing the legislation, Bill C-74, was tabled in Parliament in December of 1996 but died on the Order Paper when the last federal election was called. Bill C-32 was tabled in the House of Commons in March of 1998. The bill was referred to the House committee in April of 1998, where it was given a detailed and lengthy examination. As a matter of fact, it was examined for eight months. Clause-by-clause examination alone in the House committee took 93 hours. Eventually, some 150 amendments were passed, with the majority of the Liberal caucus voting in favour, and I note that three well-known environmental experts in the Liberal caucus voted in favour of those amendments. Approximately 90 of the amendments were moved by Liberal members.

At report stage, the government reversed over half of the committee's recommendations, basically all of the substantive ones, and produced the bill that is before us today, a watered-down version that many describe as worse than the 1988 bill it replaces. The people who say that are not just environmentalists; they are people in the business community and in the corporate community.

What happened, one might ask, between the time of the committee's recommendations and the final version of the bill that caused such a reversal by the government? The answer, of course, would be conjecture. However, it seems clear that an intense industry lobby went directly to the Prime Minister's Office and succeeded in gutting the bill. As evidence, the letter from the President of Alcan is instructive in outlining the scare tactics employed by industry. The letter which I have before me is dated April 9, 1999, which is an interesting date because it is after the committee made their recommendation. The letter says:

As the government announced its intention in the *Canada Gazette* of 17 March 1999, to list PAHs as CEPA toxic, PAHs could be subject to virtual elimination. If the definition of virtual elimination was not clarified and the precautionary principle was not modified by well-accepted risk based decision making, the act could force the closure of all aluminum smelters in Canada.

One of those smelters happens to be in the Prime Minister's own riding.

We heard from others in industry that, yes, they had made their position clearly known to the Government of Canada. That is okay; and so they should. Nevertheless, what industry sought, industry got from the Prime Minister. What was it that industry sought and got?

First, they got the removal of any reference to the need to phase out the generation and use of the most persistent and bioaccumulative toxic substances and, instead, we have the words "virtually eliminate." No longer is the intent of the legislation to phase out the generation and use of these PCBs, dioxins, furans, and the like, but now it is more a case of setting targets to perhaps reduce them.

Second, they got the definition of "precautionary principle," which required, in English, that any measures taken to prevent environmental degradation must be cost effective. The words "cost" and "cost effective" are undefined in the legislation, rendering the precautionary principle ineffective and unenforceable. The lawyers will have a field day in determining what is meant by "cost effective." More important is the fact that we heard that the French interpretation is different from the English interpretation. We brought a linguist to our committee who told us that the French meaning of "cost effective" and the English meaning are not only different, but are contradictory. Therefore, in the most significant clause in the whole legislation, the clause that tells the citizens and government how to respond in considering what is pollution and what is not, "cost effective" means something different in English than it means in French and, not only are they different, but they contradict each other. Tell me how a minister or bureaucrat can respond and deal with that type of legislation. The lawyers will have a field day. The ambiguity is obvious, and that is what some want.

The third thing industry got was an amendment to the clauses referring to "virtual elimination." The effect of that amendment is that we are no longer dealing with virtual elimination of toxic chemicals but, rather, a determination of the acceptable levels of emission of a toxic element into the environment. Rather than taking steps to remove the 12 listed and presently recognized totally detrimental chemicals to the health and well-being of Canadians, it is now a matter of targeting what is an acceptable level to feed into our environment. The leaked report that came to our committee from the Department of Environment themselves suggested that the new wording renders the virtual elimination section in the legislation useless. That comes from

the department themselves in the form of a letter that we received and read into the record.

Fourth, they got the transference of the key, decision-making powers from the Minister of Health or the Minister of Environment into cabinet at large. Industry wanted that because when you move it away from those ministries and move it into cabinet, all the lobbyists can come in, and the Minister of Industry and Trade and the Finance Minister can become involved and, all of a sudden, the environment again takes the back seat.

These seemingly innocent amendments, these changes that were made at report stage, these amendments to the report of the Commons committee, are immense, and they change the whole tenor and thrust of the bill.

By the time the bill came to our committee, it was clear that the imposed government timetable would prevail and that our hearings were a mere charade. In an unprecedented act, a motion without prior notice to the committee and before hearing from anyone other than the departmental officials, was foisted upon the committee, essentially invoking closure and severely limiting the analysis of the committee, the clause-by-clause examination, and the witnesses that could attend.

Minister Anderson, in an interview he gave the day after he was appointed minister, confirmed before the committee, in fact made it abundantly clear, that amendments would not be tolerated. Comments made from Liberal senators confirmed that position. As a result, when Minister Anderson came to our committee and gave us those responses, my colleagues and I, in a symbolic gesture, walked out because of our frustration about what was being done to the committee system, and I thank my colleagues for doing that.

Over and above that, I had talked to representatives of two important organizations and was expecting them to come to the committee. They were invited to appear, and were planning to do so. However, they informed me that they could no longer attend because they had had communication with the minister's office to the effect it would be a waste of time since no amendment would be approved in any event.

What a mockery of our committee system. What an insult to the Senate. If this is the attitude of the government towards the Senate on a bill as vital and as significant as Bill C-32, we might better spend our time elsewhere and save the taxpayers' money.

• (1210)

At our public hearings, which lasted only five days, the frustration of the presenters on all sides was evident. It was legislation by exhaustion. The theme of the presenters who gave the industry perspective consistently seemed to be: "We are tired. We are not happy with the bill. It has many flaws, but let's get on with it. It has taken too much of our time already. If necessary, we can live with the 1988 bill."

Minister Anderson said the same thing — he could live with the 1988 bill. What does that tell us?

The environmentalists who testified believe the bill to be a step backwards. We were told that we are better off with the existing bill. In the view of the Canadian Health Coalition, and I quote:

Bill C-32 feeds into a legislative and regulatory agenda that totally abdicates the duty to prevent, protect and anticipate health hazards. If you pass C-32 in its current form, the effect will be to expose your grandchildren to an uncontrolled experiment over a lifetime with biotechnology products that have no therapeutic value and whose safety is unknown. Surely this is not the kind of legacy you want to leave the children of Canada.

Mr. Muldoon of the Canadian Environmental Law Association, a respected think-tank relating to the environment, told us that they had prepared a 220-page submission for the House of Commons committee. He went on to say:

When the bill left committee, we realized that it had many problems, but we believed that the bill moved the yardstick forward in dealing with some very important issues. However, when some of the key amendments made by the committee were undone at report stage, we had profound problems supporting the bill. At this time, our association and many of the groups within our caucus do not support the bill emanating from those changes.

Then he said the following, which I found quite amazing:

One of the hardest things I can do in my career is to come here before you, a committee, as an environmentalist and public interest lawyer and not support an environmental bill.

That was a first from that man's point of view.

He carries on and explains that over 200,000 tonnes of pollutants are being released or transferred into the environment in Canada every year. He says, in conclusion:

The importance of this issue today is not related to some abstract law and dealing with some very specific clauses in a bill; the importance of this issue is related to Canada's reputation, about industry performance, and about the health of Canadians.

My colleagues on this side of the chamber tabled our minority observations dealing with our concerns about the many failings in the bill, but the most damning statement of all with respect to the bill came in the observations of the majority report that was filed yesterday.

The majority report filed by the majority of the members of the committee said the following:

While the Committee majority is pleased with the provision that continues to call for a review every five years, it recommends the government begin the next review immediately after the passage of Bill C-32.

What a statement to make, honourable senators. It suggests that, as soon as we pass the bill, we should enter into an immediate review of it because of all of the bill's failings. I might add that Bill C-78 has failings as well. The message from the majority is that we should pass the bill and start the review immediately upon its passage. They tell us that we should not hold the bill over.

I suggest, honourable senators, that we should let the Senate properly do its work and bring forward balanced and considered amendments. In my view, the statement made by the majority in the committee was more a statement of conscience, almost a confession and a confirmation of how bad the bill really is. They want us to immediately step forward tomorrow after we pass Bill C-32 and start a review of it. It took 11 years to review the 1988 bill. This side is honestly suggesting that we should do it here. What are we about? Why not let the Senate of Canada do its work? The government is completely failing Canadians.

Let me read from the infamous 1993 Red Book that Mr. Chrétien presented to Canadians prior to the 1993 election. Under the heading "Balanced Policies for Jobs and Growth: The Greening of Industry," the Liberal Party of Canada in 1993 said the following:

In the past, environmental policy has focused on managing and controlling the release of pollutants entering the environment. This approach has had only limited success. Canada needs a new approach that focuses on preventing pollution at source.

Get this sentence.

Timetables must be set for phasing out all use of the most persistent toxic substances.

Oh, if it were only so. Oh, if it were in this legislation. It was in the amended bill, and the government removed it. The very thing they told Canadians that they wanted, they removed from the bill. That is consistent; that is leadership; that is telling Canadians where they stand!

Honourable senators, in my view, Bill C-32 is beyond repair but, as senators, I believe we owe it to Canada to come together to see if we can bridge the gap. That is where we act the best; that is when the Senate is at its best.

We were denied that opportunity in committee. We were denied the opportunity to bring amendments to the bill and to deal with it in an appropriate way, so I think we need one more chance.

MOTION IN AMENDMENT

Hon. Ron Gitter: Honourable senators, I move, seconded by the Honourable Senator Cochrane:

That the bill not now be read the third time but that it be read the third time on Tuesday, September 21, 1999.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Senator Taylor, do you wish to speak to the motion?

Hon. Nicholas W. Taylor: No, I simply wish to ask a question.

Is Senator Gitter aware that the bill, as it stands before us unamended, was voted in favour of by every Conservative in the other place?

Senator Kinsella: What is the point?

Senator Gitter: I am well aware of that fact, and I have spoken to my colleagues about that. At that time, there was a different understanding as to what was happening. Not only did they not know of the Alcan letter, they did not know of the leaked memo we had. They did not know that the Senate would be emasculated as it has been.

I have spoken to my colleagues, and they indicate that they fully support my position and the position of my Senate colleagues with respect to this bill.

Senator Taylor: Is the honourable senator aware that, when Conservatives in the other place unanimously supported this bill, they had heard from every witness who also appeared before us, and who had given them the same information? In other words, they had the same information to work with as did we, and they supported the bill 100 per cent.

Senator Buchanan: No, they did not.

Senator Gitter: Again, that is not the case. After those amendments were moved, the public hearings were over. Hearings were held, the report was drafted, but the government then introduced all of the new amendments, which were never discussed before the public. No witnesses were able to speak to those amendments.

Hon. Consiglio Di Nino: Honourable senators, Senator Gitter spoke of a majority report which "urged" that immediately after passage we should begin review of this legislation again. Were the members who wrote the majority report all members of the Liberal Party, or were there members from all sides?

• (1220)

Senator Gitter: No, they were members of the Liberal Party, Senator Di Nino.

Hon. Dan Hays: Honourable senators, I should like to speak to Senator Gitter's motion. I had planned to speak on the bill, and I will draw on the notes that I had prepared to speak on the bill in order to respond to Senator Gitter's motion.

I listened carefully to Senator Gitter. The only comment I wish to make is that, as I heard it, he had nothing positive to say about the bill whatsoever. There was not a single ray of light emanating from this legislation or the role of the Senate in dealing with it. I leave it to you, honourable senators, to envisage something that is that bad. Senator Gitter, to some degree, has gone over the top on this subject, and that speaks for itself.

I do agree that there are some problems with the bill, and that is reflected in the report of the committee that work should commence as soon as possible on a review of the legislation.

However, when Senator Gitter speaks of the work of the committee and what was published in a previous report of this same committee in 1992, dealing with Bill C-13, which was the Canadian Environmental Assessment Act, that was a different time. As I recall, there was a Liberal majority in opposition. I chaired the same committee that Senator Gitter chairs now. We encountered exactly the same problem with witnesses: that is, we were unable to satisfy the government, the House of Commons or the Senate. We heard from the extreme reaches of position from industry and environmental groups.

In the end, the committee recommended passage of Bill C-13, in 1992, with a lengthy comment of some 21 pages that outlined the concerns that the committee had. I will refer to that in the body of my comments.

In many cases, the witnesses were listened to, and in many ways the Canadian Environmental Assessment Act is today a better piece of legislation. However, I doubt very much that, even had we held hearings from 1992 until this day, we would have bridged that gap between the environmental groups and industry in terms of what it is that they both wanted to see encompassed in this one bill.

To some degree, we have seen the same phenomenon in the hearings before the House of Commons and the Senate. In any event, I do not intend to engage Senator Gitter at this time.

The history of the bill has been referred to. It is long and complex. It is a piece of legislation that is intended to protect the Canadian environment and the health of Canadians. Senator Gitter said that there were 150 amendments; I think there were about 250 amendments made to the 356 clauses in the other place, many of which are still in the legislation. By all accounts, Bill C-32 will continue to be a controversial piece of legislation. Those of us who sat on the committee, as the comments of previous speakers will attest, would agree with that.

In the course of our hearings, we heard about 30 individuals representing a cross-section of people, including aboriginal peoples. We received written briefs from many people. We had a number of concerns relating to the bill. I share some of the concerns that were raised, but do not agree that they are so weighty as to delay the passage of this legislation for possibly an indeterminate time.

I should like to address some of the major concerns that were raised. One such concern is the requirement of the Minister of the Environment and the Minister of Health, before taking specified action under the bill, to offer to consult with provincial and territorial governments as well as the aboriginal representatives on the National Advisory Committee. This obligation, it is said, might unduly tie the minister's hands and constitute a barrier to action.

While I am sympathetic to this concern, it is important to point out that the CEPA ministers have, in the past, as a matter of practice, consulted with other governments in Canada before taking action under the CEPA. The bill thus codifies what the ministers have been doing for years.

[Translation]

It is also important to realize that, in Canada, jurisdiction over environmental protection is shared. This constitutional principle was reaffirmed recently by the Supreme Court of Canada in the 1997 Hydro-Quebec case.

In it the Court decided by a majority decision to confirm the legislative framework of the CEPA as it now stands, as far as toxic substances are concerned, stating that this was a valid exercise of federal government jurisdiction over a criminal matter.

The decision was a tight one, however: five judges to four. Although the federal government won out in the end, this case therefore still reminds us that, when it comes to environmental protection, the Constitution assigns a role to both levels of government.

Bill C-32 confirms that principle. It implies that the federal government ought to propose consultations with the other governments in Canada before acting. It is, in my opinion, important to support this approach, since it favours harmonization of the rules for environmental protection and solidifies the Canadian Federation, while not preventing the departments with responsibility for application of the legislation from imposing the necessary measures.

[English]

A second area of considerable concern has to do with the residual character that the new CEPA would have in relation to specified matters. In other words, the new CEPA would not apply where other federal legislation met the prescribed criteria. There is common ground here with the issues that we had with

Bill C-13 in 1992. The bill is thought by some particularly strong environmentalists to be inadequate because it does not encompass all of their concerns about human health and the environment. For example, CEPA could not regulate nutrients; that is, substances that harm the aquatic environment by promoting the growth of aquatic vegetation. If such regulations had been made under another federal statute, such as the Fisheries Act, CEPA in such case would defer to the other act.

Many Canadians regard CEPA as Canada's flagship in environmental legislation and believe that anything to do with the environment should come within its ambit. I have trouble with this broad proposition. CEPA is but one of the tools that the federal government has at its disposal to combat environmental degradation.

Other legislation and other departments must also be allowed to play a role in their areas of specialization, be it in relation to pesticides, products of biotechnology or other substances of concern. Such an approach, it should be noted, is consistent with the federal government's general policy of integrating sustainable development into the decision-making process, which it spelled out in its 1995 publication: "A Guide to Green Government." It is an approach that is followed by the Canadian Environmental Assessment Act whereby federal departments are required to carry out environmental assessments on projects that might impact on their areas of responsibility. It is also the approach taken in the existing CEPA.

Indeed, section 23 of the existing act precludes the assessment under CEPA of all new substances that are to be manufactured or imported for a use that is regulated under another federal statute if the latter contains provisions regarding notice of assessment and toxicity.

Similarly, section 34(3) of the existing act precludes regulations from being made under CEPA if the regulation seeks to regulate an aspect that is regulated under another federal statute. Bill C-32 retains this approach. It would preclude action under CEPA where another statute applied.

However, in contrast to the current CEPA, Bill C-32 specifies that the Governor in Council — and some complain of this — is to make the determination as to whether or not the other federal statute should prevail over CEPA. Moreover, where such a determination was made, the bill would require the Governor in Council to list such statutes in the appropriate schedule at the end of the act.

• (1230)

The current CEPA is totally silent on these matters. By clearly spelling out who is to make the determination, and by requiring that the prevailing statutes be specifically identified, Bill C-32 is a marked improvement over the existing act. The bill provides for a transparency of process that is simply not present in the current CEPA.

Of course, some critics contend that the CEPA ministers, rather than the Governor in Council, should make the requisite determination as to which federal statute should apply. I do not share this concern. The Governor in Council would be responsible for taking much of the action under the new CEPA, including adding substances to the list of toxic substances and making regulations in relation to them.

It bears noting that Bill C-32 as originally tabled would have required the minister responsible for the federal legislation to make the determination as to whether his or her legislation should prevail over CEPA. Had this approach been retained I, too, might have been concerned. However, it was changed in the other place, first in favour of the ministers and then in favour of the Governor in Council. The Governor in Council will thus be responsible for making the determination. It will also be accountable for its actions. This is consistent with the principle of responsible government. It is an approach which I can support.

Given the number of concerns that were expressed in relation to CEPA's "residual status," however, I would urge the Government of Canada to undertake a careful review of the other federal statutes that might prevail over CEPA to ensure that these laws provide the kind of protection to human health, the environment and its biological diversity that Canadians have come to expect, and which they deserve.

Senator Spivak, who is unable to be here, has been an eloquent critic in terms of the new area of life sciences, in particular the issue of genetically modified organisms and the adequacy of our regulatory framework to ensure that the advances made in this area are not ones that will cause harm. Senator Taylor has also alluded to them. It is an important issue. The way to address the issue, however, is to look at the way in which those substances are regulated under other legislation, not to bring them under CEPA.

[Translation]

I should also like to speak about the issue of the virtual elimination of toxic substances. This would apply to the most hazardous substances, that is persistent and bioaccumulative toxic substances, most of which are the result of human activity. Subsection 65(1) defines virtual elimination as the ultimate reduction of the substance below the "level of quantification" specified by the ministers. The technical term "level of quantification" describes the lowest concentration of a substance that can be accurately measured using sensitive but routine sampling and analytical methods. In other words, virtual elimination means bringing the amount of the most toxic substances below measurable levels.

The environmental groups in particular criticize this approach, because it concentrates on the reduction of "releases" instead of the reduction, and gradual elimination, of the manufacture and use of the substances in question. Yet the bill's concentration on the release of substances is not surprising in the least, and it is in line with the federal government's 1995 toxic substances management policy.

It is also important to note that, although virtual elimination is limited to reducing the release of hazardous toxic substances below measurable levels, clause 93(1)(1) of the bill provides for the authority to gradually eliminate, or completely ban, hazardous substances. Virtual elimination is therefore one solution among many and does not preclude gradual elimination or a ban on certain substances when justified.

[English]

The concerns that were raised, however, were not limited to the fact that virtual elimination would target releases only as opposed to use and generation. A related concern had to do with the wording of clause 65(3). This clause provides that once the ministers have set the level of quantification for a substance, they must then prescribe by regulation the amount of the substance that could be released into the environment, taking into account such factors as environmental or health risks and any other relevant social, economic or technical matters.

Many environmental groups have criticized this version of the clause, and have urged that the version adopted by the House Environment Committee be reinstated. This version stated that "when taking steps to achieve the virtual elimination of a substance," the ministers shall prescribe by regulation the amount of the substance that could be released into the environment, taking into account the same factors mentioned above, that is, "environmental or health risks and any other relevant social, economic or technical matters."

Honourable senators, as you can see, the only difference between the two versions concerns the opening words of clause 65(3). The previous version stated "when taking steps to achieve virtual elimination..." whereas the current version states "when the level of quantification for a substance has been specified..." With due respect, I fail to understand why there is so much concern over the amended version. The truly operative words of the clause remain the same, namely, once the substance is on the virtual elimination track, the ministers must prescribe the level of allowable releases for the substance, having regard to the specified factors. The fundamental aspect has not changed. Whether virtual elimination is implemented or achieved, the fact remains that virtual elimination, as clause 65(1) clearly spells out, is the ultimate goal and one that may take some time to implement and achieve, having regard to such factors as "environmental or health risks and any other relevant social, economic or technical matters."

The Hon. the Speaker: Senator Hays, I regret to have to interrupt you but your 15-minute time period has expired.

Senator Hays: May I have leave to continue, honourable senators?

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Senator Hays: The difference in wording between the two versions appears to be more a question of emphasis than of kind, and is not, in my opinion, so serious as to warrant amendments that might, in the end, jeopardize passage of the bill.

A further area of concern relates to the aboriginal peoples. Since the bill does not define "aboriginal peoples," the Métis expressed concern that they have been excluded from the legislation and will be unable, for example, to have representation on the National Advisory Committee that is established under clause 6 of the bill. I am sympathetic to their concern. In my opinion, however, the bill's failure to define "aboriginal peoples" in no way prejudices their status under the legislation. Section 35(2) of the Constitution Act, 1982 defines the aboriginal peoples of Canada as including "the Indian, Inuit and Métis peoples." Thus, the bill's omission in this respect, while unfortunate, in no way derogates from this constitutional imperative.

As to Métis representation on the National Advisory Council, it must be stressed that this body is intended to consist of government representatives only, that is, 10 provincial government representatives, three territorial government representatives, and a total of six representatives from aboriginal governments established under self-government agreements with the federal government. There are to be five representatives from all aboriginal governments established in each of Canada's broad geographic regions. They are the Maritimes, Quebec, Ontario, the Prairies and the North, and B.C./Yukon, except for the Inuit governments, who would select the sixth representative.

In short, the bill does not preclude the Métis from sitting on the National Advisory Committee providing they negotiate self-government agreements with the federal government. They would have the same opportunity as would First Nations governments to represent one of the five geographic regions. The key is the negotiation of self-government agreements. Thus, to ensure that the Métis are not placed at a disadvantage in relation to other aboriginal peoples in Canada, I would urge the federal government to vigorously pursue the negotiation of agreements with the Métis. I am sure that Senator Chalifoux will be expanding on this matter further.

There was also concern that the non-derogation clause, clause 4 of the bill, is worded differently from the non-derogation clauses typically found in federal statutes. It is unclear whether the bill's formulation would make a difference. Section 35(1) of the Constitution Act, 1982 expressly recognizes and affirms existing aboriginal and treaty rights. It would seem unlikely that the bill could derogate from this constitutional imperative. By way of elaboration, this is to ensure that nothing in the legislation derogates from the rights of aboriginal peoples in terms of their negotiation of self-government agreements. I share the concern that the language differs between the Constitution Act, 1982 and this bill.

With regard to the bill's failure to define "aboriginal peoples" it is unfortunate that the bill would introduce an element of uncertainty by using a non-traditional formulation for the non-derogation clause. In my opinion, however, neither

shortcoming is sufficient to delay the passage of this legislation. Compared to the existing CEPA, this bill goes much further in recognizing the vital role that our aboriginal peoples and their governments might and should play in protecting human health and the environment.

As mentioned earlier, the bill would give aboriginal governments six seats on the National Advisory Council and would enable them to enter into equivalency agreements under clause 10, which would allow them to replace CEPA regulations with their own where they were equivalent. It would also enable aboriginal peoples, as opposed to their governments, to negotiate administrative agreements under clause 9, which would allow them to enforce CEPA within their own territory.

I do not want to delay the bill to have the non-derogation clause conform because I am fully satisfied that the provisions of the Constitution Act do prevail over this legislation.

Honourable senators, there are definite gains that will enable aboriginal peoples to become meaningful partners in protecting Canada's environment and the health of Canadians. These tangible gains should not be placed at risk by delaying the legislation.

The definition of the precautionary principle is the last area of concern I propose to address. The principle, which appears in the sixth paragraph of the preamble, and in the administrative duties under clause 2(1)(a), stipulates:

...where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective —

— and I emphasize the word "cost" —

— measures to prevent environmental degradation...

There has been heated debate on whether the term "cost effective" should be retained or deleted from the precautionary principle. Opinions are diametrically opposed on this issue. It is doubtful that consensus could ever be reached. It is important to point out, however, that the current definition is worded after the Rio Declaration of 1992. It is the definition that the federal government indicated it would adopt in its response to the House of Commons Environment Committee's 1995 report on the CEPA review. It is also a definition that is widely accepted within the international community.

My specific concern, however, has to do with the discrepancy, as referred to in the report, between the French and English text. The English text provides for cost-effective measures to be taken, whereas the French refers to "l'adoption de mesures effectives." I agree with the linguist-jurist who appeared before the committee that the texts do not say the same thing. The French term "effectives" simply does not have the economic thrust found in the English term "cost-effective." It is interesting to note that this same discrepancy in languages is found in the Rio Declaration itself. Of course, several wrongs do not make a right and I, for one, am loath to perpetuate a mistake made elsewhere.

The issue, as I see it, is to decide whether this error is so fundamental that it must be rectified at all costs. I have come to the conclusion that it is not. It is clear from the legislative record that Parliament's intent is to sanction the use of cost-effective measures. Thus, if the two versions were harmonized, the French text would have to be modified and not the English. Senator Nolin may argue the opposite. In any event, I believe that those who take the contrary view are in the minority here.

This being the case, I do not believe the bill's passage should be jeopardized because of the discrepancy. I would remind honourable senators that this is not the first time. In fact, the scenario presented itself six years ago when we considered Bill C-13, the Canadian Environmental Assessment Act. Like the bill before us today, Bill C-13 was an important environmental bill. Like the bill before us today, its passage was also at risk due to an expected prorogation. Unlike the bill before us today, however, the Senate identified 30 discrepancies between the French and English texts in Bill C-13.

The following is a passage of the report tabled by the Standing Senate Committee on Energy, the Environment and Natural Resources which studied the bill in 1993:

Your Committee believes that, under the circumstances, there are compelling reasons to adopt Bill C-13 without amendments. We recognize that the bill has a number of shortcomings, not least of which are the 30 inconsistencies that were found to exist between the French and English versions of the bill.

I might mention that it was the previous government's responsibility on the environmental watch that had these 30 discrepancies.

The report continues:

Considering that almost half of these inconsistencies go back to the original bill that was tabled as Bill C-78 in 1990, your Committee is deeply concerned that so many linguistic discrepancies could have slipped through, despite the extensive scrutiny that this bill has received over the years.

I have checked whether governments have remedied those discrepancies. I am told that at least 25 of the 30 have been remedied. Regrettably, the other five have not been, and that might make some interesting work for our committee which dealt with this bill.

Admittedly, this is not a perfect piece of legislation, as legislation rarely is. As honourable senators know, there is always room for improvement. My concern, however, is that in the course of our deliberations, both inside and outside of this building, too little was said and is being said about the strengths of the bill. There are many.

For example, the bill calls for the immediate categorization of the 23,000 substances on the domestic substance list to identify

which substances have the characteristics of greatest concern so that they may be given an expedited screening level assessment which, in turn, could lead to their early regulation.

The bill sets firm deadlines for the selection and implementation of appropriate management options for all substances that are on the list of toxic substances.

The bill not only espouses pollution prevention as a national goal and as a priority approach to environmental protection, but also operationalizes this goal by empowering the Minister of the Environment to order the development and implementation of pollution prevention plans for toxic substances as well as phase-out or reduction plans for hazardous substances exported abroad.

This bill would broaden the federal government's existing authority to deal with international pollution problems by enabling it to respond to international water pollution problems arising in Canada, and not just international air pollution problems, as is currently the case.

The bill would strengthen the federal government's ability to regulate fuels, and would give the Minister of the Environment new authority to regulate vehicle emissions.

The bill would provide an exhaustive list of the materials that might be authorized by permit for disposal at sea, as opposed to the current CEPA, which lists only those materials that may not be disposed of at sea.

This bill specifically calls for research and studies to be carried out on hormone disrupting substances, and it provides a sound statutory foundation for the National Pollutant Release Inventory which, although in place since 1993, was created under questionable statutory authority and is currently being challenged in the courts.

The bill would provide specific authority to deal with environmental emergencies.

The bill would call for the establishment of public registries so that Canadians could have ready access to information on matters covered under the new act.

The bill would materially strengthen the current enforcement powers, notably allowing enforcement officers to issue on-the-spot cease and desist orders.

Last, but certainly not least, the bill provides for the use of economic instruments in reducing specific substances which are to be phased out or targeted for reduced release into the environment.

I could go on; however, I will not. As I outlined, the bill contains many provisions that are definite improvements over the current CEPA. It is unfortunate that we have not had an opportunity to get into this too deeply. I appreciate the opportunity to have done so this afternoon.

I am satisfied that the best course of action for this chamber is to pass this legislation, having first acknowledged the problems with it. I reinforce the recommendation in the committee's observations — shared, I think, based on Senator Ghitter's comments, by both the majority and the minority — that we start work as soon as possible on a review of this important piece of legislation once it is passed to ensure that it can be improved at the earliest possible date.

[Translation]

Hon. Roch Bolduc: Honourable senators, yesterday we heard a learned presentation by Senator Stewart on the flaws of the congressional system and the virtues of the parliamentary system. I am glad that Senator Ghitter has put things in another perspective today.

[English]

Sometimes in the parliamentary system, the process is not very good, and we have had a few examples in the last few days.

The Hon. the Speaker: Honourable senators, if no other honourable senator wishes to speak, the question before the Senate is the motion in amendment by the Honourable Senator Ghitter, seconded by the Honourable Senator Cochrane, that the bill be not now read a third time but that it be read a third time on Tuesday, September 21, 1999. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: Will those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen.

The Hon. the Speaker: Call in the senators.

[Translation]

VOTE DEFERRED

Hon. Léonce Mercier: Honourable senators, pursuant to rule 67(2), I move that the vote be deferred until 5:30 p.m. on the next sitting day.

The Hon. the Speaker: The Honourable Senator Mercier, government whip, seconded by the Honourable Senator Pélissier, moves that the vote be deferred until 5:30 p.m. on Monday, September 13, 1999.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

The Hon. the Speaker: Honourable senators, pursuant to rule 67(2), the vote is deferred until 5:30 p.m. on Monday, September 13, 1999.

[English]

BUSINESS OF THE SENATE

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I have not had a chance to discuss this matter with Senator Prud'homme, but I have had some discussions with Senator Kinsella, and I believe it is the will of most senators that the Senate adjourn now, leaving all items on the Order Paper at their present number.

The Hon. the Speaker: Is that agreed, honourable senators?

Hon. Senators: Agreed.

Hon. Colin Kenny: With leave, honourable senators, I should like to raise a short matter of business relating to the house.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Kenny: Honourable senators, I simply want to note that we sat last night until after nine o'clock, and this morning when we arrived we had on our desks all of the usual material, printed and bound. I think that we owe a vote of thanks to the staff for the work they did in preparing this material overnight.

Hon. Senators: Hear, hear!

The Hon. the Speaker: I thank Senator Kenny for bringing the matter to the attention of the house. I hope that all those who were involved in this magnificent piece of work have heard what he had to say.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, it is with pleasure that I concur in Senator's Carstairs request to adjourn until Monday.

The Senate adjourned until Monday, September 13, 1999, at 4 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 36th Parliament)
Friday, September 10, 1999

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to amend the Canadian Transportation Accident Investigation and Safety Board Act and to make a consequential amendment to another Act (Sen. Graham)	97/09/30	97/10/21	Transport and Communications	98/04/02	four	98/05/27	98/06/18	20/98
S-3	An Act to amend the Pension Benefits Standards Act, 1985 and the Office of the Superintendent of Financial Institutions Act (Sen. Graham)	97/09/30	97/10/21	Banking, Trade and Commerce	97/11/05	seven	97/11/20	98/06/11	12/98
S-4	An Act to amend the Canada Shipping Act (maritime liability) (Sen. Graham)	97/10/08	97/10/22	Transport and Communications	97/12/12	three	97/12/16	98/05/12	06/98
S-5	An Act to amend the Canada Evidence Act and the Criminal Code in respect of persons with disabilities, to amend the Canadian Human Rights Act in respect of persons with disabilities and other matters and to make consequential amendments to other Acts (Sen. Graham)	97/10/09	97/10/29	Legal and Constitutional Affairs	97/12/04	one	97/12/11	98/05/12	09/98
S-9	An Act respecting depository bills and depository notes and to amend the Financial Administration Act (Sen. Graham)	97/12/03	97/12/12	Banking, Trade and Commerce	98/02/24	one	98/03/19	98/06/11	13/98
S-16	An Act to implement an agreement between Canada and the Socialist Republic of Vietnam, an agreement between Canada and the Republic of Croatia and a convention between Canada and the Republic of Chile, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	98/05/05	98/05/12	Foreign Affairs	98/05/28	none	98/06/02	98/12/03	33/98
S-21	An Act respecting the corruption of foreign public officials and the implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and to make related amendments to other Acts	98/12/01	98/12/03	Whole	98/12/03	one at 3rd	98/12/03	98/12/10	34/98
S-22	An Act authorizing the United States to pre-clear travellers and goods in Canada for entry into the United States for the purposes of customs, immigration, public health, food inspection and plant and animal health	98/12/01	99/02/11	Foreign Affairs	99/03/24	four	99/04/28	99/06/17	20/99

S-23

An Act to amend the Carriage by Air Act to give effect to a Protocol to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air and to give effect to the Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier

99/03/11 none 99/03/16 99/06/17 21/99

Transport and Communications

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-2	An Act to establish the Canada Pension Plan Investment Board and to amend the Canada Pension Plan and the Old Age Security Act and to make consequential amendments to other Acts	97/12/04	97/12/16	Committee of the whole 97/12/17	97/12/17	none	97/12/18	97/12/18	40/97
C-3	An Act respecting DNA identification and to make consequential amendments to the Criminal Code and other Acts	98/09/30	98/10/22	Legal and Constitutional Affairs	98/12/08	none	98/12/09	98/12/10	37/98
C-4	An Act to amend the Canadian Wheat Board Act and to make consequential amendments to other Acts	98/02/18	98/02/26	Agriculture and Forestry	98/05/14	five	98/05/14	98/06/11	17/98
C-5	An Act respecting cooperatives	97/12/09	97/12/16	Banking, Trade and Commerce	98/02/24	none	98/02/25	98/03/31	01/98
C-6	An Act to provide for an integrated system of land and water management in the Mackenzie Valley, to establish certain boards for that purpose and to make consequential amendments to other Acts	98/03/18	98/03/26	Aboriginal Peoples	98/06/09	none	98/06/18	98/06/18	25/98
C-7	An Act to establish the Saguenay-St. Lawrence Marine Park and to make a consequential amendment to another Act	97/11/25	97/12/02	Energy, Environment and Natural Resources	97/12/09	none	97/12/10	97/12/10	37/97
C-8	An Act respecting an accord between the Governments of Canada and the Yukon Territory relating to the administration and control of and legislative jurisdiction in respect of oil and gas	98/03/17	98/03/25	Aboriginal Peoples	98/03/31	none	98/04/01	98/05/12	05/98
C-9	An Act for making the system of Canadian ports competitive, efficient and commercially oriented, providing for the establishing of port authorities and the divesting of certain harbours and ports for the commercialization of the St. Lawrence Seaway and ferry services and other matters related to maritime trade and transport and amending the Pilotage Act and amending and repealing other Acts as a consequence	97/12/09	98/03/26	Transport and Communications	98/05/13	none	98/05/28	98/06/11	10/98

C-10	An Act to implement a convention between Canada and Sweden, a convention between Canada and the Republic of Lithuania, a convention between Canada and the Republic of Kazakhstan, a convention between Canada and the Republic of Iceland and a convention between Canada and the Kingdom of Denmark for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend the Canada-Netherlands Income Tax Convention Act, 1986 and the Canada-United States Tax Convention Act, 1984	97/12/02	97/12/08	Banking, Trade and Commerce	97/12/09	none	97/12/10	97/12/10	38/97
C-11	An Act respecting the imposition of duties of customs and other charges, to give effect to the International Convention on the Harmonized Commodity Description and Coding System, to provide relief against the imposition of certain duties of customs or other charges, to provide for other related matters and to amend or repeal certain Acts in consequence thereof.	97/11/19	97/11/27	Banking, Trade and Commerce	97/12/04	none	97/12/08	97/12/08	36/97
C-12	An Act to amend the Royal Canadian Mounted Police Superannuation Act	98/04/28	98/04/30	Social Affairs, Science & Technology	98/06/04	none	98/06/08	98/06/11	11/98
C-13	An Act to amend the Parliament of Canada Act	97/10/30	97/11/05	Legal and Constitutional Affairs	97/11/06	none	97/11/18	97/11/27	32/97
C-15	An Act to amend the Canada Shipping Act and to make consequential amendments to other Acts	98/05/05	98/06/03	Transport and Communications	98/06/10	none	98/06/11	98/06/11	16/98
C-16	An Act to amend the Criminal Code and the Interpretation Act (powers to arrest and enter dwellings)	97/11/18	97/12/11	Legal and Constitutional Affairs	97/12/16	none	97/12/17	97/12/18	39/97
C-17	An Act to amend the Telecommunications Act and the Telelobe Canada Reorganization and Divestiture Act	97/12/09	98/02/24	Transport and Communications	98/03/25	none	98/04/29	98/05/12	08/98
C-18	An Act to amend the Customs Act and the Criminal Code	98/02/10	98/02/18	Legal and Constitutional Affairs	98/04/02	none	98/04/28	98/05/12	07/98
C-19	An Act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other Acts	98/05/26	98/06/08	Social Affairs, Science & Technology	98/06/18	none	98/06/18	98/06/18	26/98
C-20	An Act to amend the Competition Act and to make consequential and related amendments to other Acts	98/09/24	98/11/17	Banking, Trade and Commerce	98/12/03	none + two at 3rd	98/12/10 Commons amendments referred to Committee 99/02/11	99/03/11	02/99
C-21	An Act to amend the Small Business Loans Act	98/03/19	98/03/25	Banking, Trade and Commerce	99/02/16	concur in Commons amendments	98/03/31	98/03/31	04/98

C-22	An Act to implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	97/11/25	97/11/26	Foreign Affairs	97/11/27	none	97/11/27	97/11/27	33/97
C-23	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	97/11/26	97/12/04	—	—	—	97/12/08	97/12/08	35/97
C-24	An Act to provide for the resumption and continuation of postal services	97/12/02	97/12/03	Committee of the whole	97/12/03	none	97/12/03	97/12/03	34/97
C-25	An Act to amend the National Defence Act and to make consequential amendments to other Acts	98/06/11	98/06/18	Legal and Constitutional Affairs	98/11/24	one	98/12/01	98/12/10	35/98
C-26	An Act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Grain Futures Act	98/06/08	98/06/16	Agriculture and Forestry	98/06/18	none	98/06/18	98/06/18	22/98
C-27	An Act to amend the Coastal Fisheries Protection Act and the Canada Shipping Act to enable Canada to implement the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and other international fisheries treaties or arrangements	99/04/21	99/04/27	Fisheries	99/05/13	none	99/05/13	99/06/17	19/99
C-28	An Act to amend the Income Tax Act, the Income Tax Application Rules, the Bankruptcy and Insolvency Act, the Canada Pension Plan, the Children's Special Allowances Act, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the Income Tax Conventions Interpretation Act, the Old Age Security Act, the Tax Court of Canada Act, the Tax Rebate Discounting Act, the Unemployment Insurance Act, the Western Grain Transition Payments Act and certain Acts related to the Income Tax Act	98/04/28	98/05/12	Banking, Trade and Commerce	98/06/04	none	98/06/16	98/06/18	19/98
C-29	An Act to establish the Parks Canada Agency and to amend other Acts as a consequence	98/06/03	98/06/15	Energy, the Environment and Natural Resources	98/10/20	none	98/11/19	98/12/03	31/98
C-30	An Act respecting the powers of the Mi'kmaq of Nova Scotia in relation to education	98/06/11	98/06/16	Aboriginal Peoples	98/06/18	none	98/06/18	98/06/18	24/98
C-31	An Act respecting Canada Lands Surveyors	98/05/07	98/05/26	Energy, the Environment and Natural Resources	98/06/09	none	98/06/10	98/06/11	14/98

C-32	An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development	99/06/02	99/06/08	Energy, the Environment and Natural Resources	99/09/09	none	
C-33	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	98/03/18	98/03/25	—	—	98/03/26	98/03/31 02/98
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/03/18	98/03/26	—	—	98/03/31	98/03/31 03/98
C-35	An Act to amend the Special Import Measures Act and the Canadian International Trade Tribunal Act	98/12/07	99/02/17	Foreign Affairs	99/03/24	none	99/03/25 12/99
C-36	An Act to implement certain provisions of the budget tabled in Parliament on February 24, 1998	98/05/28	98/06/08	National Finance	98/06/15	none	98/06/17 21/98
C-37	An Act to amend the Judges Act and to make consequential amendments to other Acts	98/06/11	98/09/22	Legal and Constitutional Affairs	98/10/22	eight	98/11/04 30/98
C-38	An Act to amend the National Parks Act (creation of Tuktot Nogait National Park)	98/06/15	98/06/17	Energy, the Environment and Natural Resources	98/12/01	none	98/12/10 39/98
C-39	An Act to amend the Nunavut Act and the Constitution Act, 1867	98/06/03	98/06/08	Aboriginal Peoples	98/08/09	none	98/06/10 15/98
C-40	An Act respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence	98/12/02	98/12/10	Legal and Constitutional Affairs	99/03/25	none	99/05/12 18/99
C-41	An Act to amend the Royal Canadian Mint Act and the Currency Act	98/12/02	98/12/09	National Finance	99/02/18	none	99/03/02 04/99
C-42	An Act to amend the Tobacco Act	98/12/02	98/12/08	Legal and Constitutional Affairs	98/12/10	none	98/12/10 38/98
C-43	An Act to establish the Canada Customs and Revenue Agency and to amend and repeal other Acts as a consequence	98/12/08	99/02/10	National Finance	99/03/18	none	99/04/27 17/99
C-45	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/06/10	98/06/16	—	—	98/06/17	98/06/18 28/98
C-46	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/06/10	98/06/16	—	—	98/06/17	98/06/18 29/98
C-47	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	98/06/11	98/06/16	Banking, Trade and Commerce	98/06/17	none	98/06/18 23/98
C-49	An Act providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management	99/03/09	99/04/13	Aboriginal Peoples	99/05/13	two	99/05/13 99/06/17 24/99

C-51	An Act to amend the Criminal Code, the Controlled Drugs and Substances Act and the Corrections and Conditional Release Act	98/11/18	98/12/03	Legal and Constitutional Affairs	99/03/04	none	99/03/09	99/03/11	05/99
C-52	An Act to implement the Comprehensive Nuclear Test-Ban Treaty	98/10/20	98/10/28	Foreign Affairs	98/11/18	one	98/11/24	98/12/03	32/98
C-53	An Act to increase the availability of financing for the establishment, expansion, modernization and improvement of small businesses	98/11/25	98/12/02	Banking, Trade and Commerce	98/12/08	none	98/12/09	98/12/10	36/98
C-55	An Act respecting advertising services supplied by foreign periodical publishers	99/03/16	99/03/24	Transport and Communications	99/05/31	three	99/06/08	99/06/17	23/99
C-57	An Act to amend the Nunavut Act with respect to the Nunavut Court of Justice and to amend other Acts in consequence	98/12/07	98/12/10	Legal and Constitutional Affairs	99/02/18	none	99/03/02	99/03/11	03/99
C-58	An Act to amend the Railway Safety Act and to make a consequential amendment to another Act	99/02/02	99/02/11	Transport and Communications	99/03/17	none	99/03/18	99/03/25	09/99
C-59	An Act to amend the Insurance Companies Act	98/12/10	99/02/04	Banking, Trade and Commerce	99/02/16	none	99/02/18	99/03/11	01/99
C-60	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/12/02	98/12/08	—	—	—	98/12/09	98/12/10	40/98
C-61	An Act to amend the War Veterans Allowance Act, the Pension Act, the Merchant Navy Veteran and Civilian War-related Benefits Act, the Department of Veterans Affairs Act, the Veterans Review and Appeal Board Act and the Halifax Relief Commission Pension Continuation Act and to amend certain other Acts in consequence thereof	99/03/16	99/03/18	Social Affairs, Science & Technology	99/03/23	none	99/03/24	99/03/25	10/99
C-64	An Act to establish an indemnification program for travelling exhibitions	99/05/31	99/06/03	Social Affairs, Science & Technology	99/06/10	none	99/06/14	99/06/17	29/99
C-65	An Act to amend the Federal-Provincial Fiscal Arrangements Act	99/03/11	99/03/16	National Finance	99/03/23	none	99/03/24	99/03/25	11/99
C-66	An Act to amend the National Housing Act and the Canada Mortgage and Housing Corporation Act and to make a consequential amendment to another Act	99/05/11	99/05/11	Social Affairs, Science & Technology	99/06/10	none	99/06/14	99/06/17	27/99
C-67	An Act to amend the Bank Act, the Winding-up and Restructuring Act and other Acts relating to financial institutions and to make consequential amendments to other Acts	99/05/31	99/06/03	Banking, Trade and Commerce	99/06/10	none	99/06/14	99/06/17	28/99
C-69	An Act to amend the Criminal Records Act and to amend another Act in consequence	99/05/31	99/06/08	Legal and Constitutional Affairs					
C-71	An Act to implement certain provisions of the budget tabled in Parliament on February 16, 1999	99/05/11	99/05/12	National Finance	99/06/03	none	99/06/14	99/06/17	26/99

C-72	An Act to amend the Income Tax Act, to implement measures that are consequential on changes to the Canada-U.S. Tax Convention (1980) and to amend the Income Tax Conventions Interpretation Act, the Old Age Security Act, the War Veterans Allowance Act and certain Acts related to the Income Tax Act	99/05/11	99/05/13	Banking, Trade and Commerce	99/03/31	none	99/06/07	99/06/17	22/99
C-73	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	99/03/17	99/03/23	—	—	—	99/03/24	99/03/25	14/99
C-74	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000	99/03/17	99/03/24	—	—	—	99/03/25	99/03/25	15/99
C-76	An Act to provide for the resumption and continuation of government services	99/03/24	99/03/24	Committee of the Whole 99/03/25	99/03/25	none	99/03/25	99/03/25	13/99
C-78	An Act to establish the Public Sector Pension Investment Board, to amend the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the Royal Canadian Mounted Police Superannuation Act, the Defence Services Pension Continuation Act, the Royal Canadian Mounted Police Pension Continuation Act, the Members of Parliament Retiring Allowances Act and the Canada Post Corporation Act and to make a consequential amendment to another Act	99/05/31	99/06/03	Banking, Trade and Commerce	99/06/15	none	referred back to Committee 99/06/17		
C-79	An Act to amend the Criminal Code (victims of crime) and another Act in consequences	99/05/31	99/06/08	Legal and Constitutional Affairs	99/06/10	none	99/06/14	99/06/17	25/99
C-82	An Act to amend the Criminal Code (impaired driving and related matters)	99/06/10	99/06/14	Legal and Constitutional Affairs	99/06/16	none	99/06/17	99/06/17	32/99
C-84	An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain Acts that have ceased to have effect	99/06/10	99/06/15	—	—	—	99/06/16	99/06/17	31/99
C-86	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial years ending March 31, 2000 and March 31, 2001	99/06/09	99/06/14	—	—	—	99/06/15	99/06/17	30/99

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-208	An Act to amend the Access to Information Act	98/11/17	99/02/11	Social Affairs, Science & Technology	99/03/11	none	99/03/16	99/03/25	16/99
C-220	An Act to amend the Criminal Code and the Copyright Act. (profit from authorship respecting a crime) (Sen. Lewis)	97/10/02	97/10/22	Legal and Constitutional Affairs	98/06/10 adopted	recommend Bill not proceed			
C-251	An Act to amend the Criminal Code and the Corrections and Conditional Release Act (cumulative sentences)	99/06/08							
C-410	An Act to change the name of certain electoral districts	98/05/28	98/06/04	Legal and Constitutional Affairs	98/06/08	two	98/06/09	98/06/18	27/98
C-411	An Act to amend the Canada Elections Act	98/05/28	98/06/04	Legal and Constitutional Affairs	98/06/08	none	98/06/09	98/06/11	18/98
C-445	An Act to change the name of the electoral district of Stormont-Dundas	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/11	99/03/11	07/99
C-464	An Act to change the name of the electoral district of Sackville-Eastern Shore	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/11	99/03/11	08/99
C-465	An Act to change the name of the electoral district of Argenteuil-Papineau	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/09	99/03/11	06/99

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-6	An Act to establish a National Historic Park to commemorate the "Persons Case" (Sen. Kenny)	97/11/05	97/11/25	Energy, the Environment and Natural Resources					
S-7	An Act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable (Sen. Haidasz, P.C.)	97/11/19	97/12/02	Legal and Constitutional Affairs					
S-8	An Act to amend the Tobacco Act (content regulation) (Sen. Haidasz, P.C.)	97/11/26	97/12/17	Social Affairs, Science & Technology	98/04/30	two	Dropped from Order Paper pursuant to Rule 27(3) 98/10/01		
S-10	An Act to amend the Excise Tax Act (Sen. Di Nino)	97/12/03	98/03/19	Social Affairs, Science & Technology	98/06/03	none	referred back to Committee 98/09/24		
					98/12/09	one			
					Dropped from Order Paper pursuant to Rule 48(2) 99/09/08				
S-11	An Act to amend the Canadian Human Rights Act in order to add social condition as a prohibited ground of discrimination (Sen. Cohen)	97/12/10	98/03/17	Legal and Constitutional Affairs	98/06/04	one	98/06/09	Motion for 2nd reading negatived in the Commons 99/04/13	
S-12	An Act to amend the Criminal Code (abuse of process) (Sen. Cools)	98/02/10	98/05/06	Legal and Constitutional Affairs					
S-13	An Act to incorporate and to establish an industry levy to provide for the Canadian Anti-Smoking Youth Foundation (Sen. Kenny)	98/02/26	98/04/02	Social Affairs, Science & Technology	98/05/14	seven + two at 3rd	98/06/10	Bill withdrawn pursuant to Commons Speaker's Ruling 98/12/02	
S-14	An Act providing for self-government by the first nations of Canada (Sen. Tkachuk)	98/03/25	98/03/31	Aboriginal Peoples					
S-15	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	98/04/02	98/06/09	Legal and Constitutional Affairs	98/06/18 Report & Bill withdrawn 98/12/08	four			
S-17	An Act to amend the Criminal Code respecting criminal harassment and other related matters (Sen. Oliver)	98/05/12	98/06/02	Legal and Constitutional Affairs					
S-19	An Act to give further recognition to the war-time service of Canadian merchant navy veterans and to provide for their fair and equitable treatment (Sen. Forrestall)	98/06/18	Negatived 99/06/14						



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CANADA

Debates of the Senate

1st SESSION

• 36th PARLIAMENT

• VOLUME 137

• NUMBER 157

OFFICIAL REPORT
(HANSARD)

Monday, September 13, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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(Daily index of proceedings appears at back of this issue.)

Debates: Chambers Building, Room 943, Tel. 995-5805

Published by the Senate

Available from Canada Communication Group — Publishing, Public Works and
Government Services Canada, Ottawa K1A 0S9,

Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Monday, September 13, 1999

The Senate met at 4:00 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

CANADIAN HERITAGE

STATUS OF PLANS FOR PROPOSED NEW WAR MUSEUM

Hon. Lowell Murray: Honourable senators, plans for a new Canadian War Museum are said to be on hold. A report in last Friday's *Globe and Mail* states that funding for the proposed new museum is low on the government's list of spending priorities because the project has attracted little interest either from the public or from members of Parliament.

An advisory committee is apparently trying to raise private donations for the project. However, potential donors are said to be reluctant to contribute until they know the extent of the government's commitment. On that question, a spokesperson for Heritage Minister Sheila Copps is quoted as saying that no final decision has been made.

This raises a more fundamental question. Why on earth is the Government of Canada passing the hat to finance a new War Museum? This is a pretty cheap way to treat an institution created to honour and preserve a tragic and glorious part of our heritage. The government has taken full responsibility for the capital and operating costs of less important and more expensive museums. I think that most Canadians would be embarrassed by such a grudging and miserly attitude to the War Museum.

Dr. Jack Granatstein, Director of the War Museum, stated:

We are convinced the country needs a new War Museum. We are convinced that the war art and the artifacts, which are priceless, need better storage and display facilities. We are convinced the veterans want this. They are dying at a huge rate, 100 a day, so it is very difficult to make a case for delay.

As for the alleged lack of interest on the part of parliamentarians, the Senate has been seized of this issue in the recent past and I have no doubt we would do so again. My seat-mate, Senator Balfour, is chairman of the Subcommittee on Veterans Affairs. He is presently convalescing after serious surgery in Regina, but he would not want us to await his return to take this up again, if it becomes necessary to do so. We might even recall former chairmen and members of the committee, Senators Marshall, Phillips, Bonnell, and Johnstone, as a

volunteer SWAT team to help us at televised public hearings. That prospect should concentrate the mind of some past and future witnesses.

Senate hearings should not be necessary. Veterans Affairs Minister George Baker and Heritage Minister Sheila Copps, two ministers whose perspective should be broader than that of the bean-counters, should intervene. It is up to them to see that the government takes its full responsibility and that this project is put back on track without delay.

[Translation]

LE GRAND TRAIN DE LA FRANCOPHONIE

Hon. Lucie Pépin: Honourable senators, this past August 28, I met the Grand train de la Francophonie at Montreal. On the 29, 1999, I rode that train from Montreal to Quebec City, and then took part in the welcoming ceremony for its arrival in Quebec City.

What a wonderful experience it was to see the young passengers from all over who were travelling across our country in an atmosphere of discovery and fun. What did these young people from Saskatchewan, from Mali, Alberta and Port-au-Prince discover during that journey? That they had far more in common than they thought.

They discovered that Canada is a country of unbelievable beauty and dynamism, with a very rich francophone heritage. Together they celebrated our language, their aspirations and the dreams they shared.

The purpose of this innovative project, a joint undertaking by the Club Richelieu International, VIA Rail and the CBC, was to bring together young francophones from all over the world on board a train travelling across Canada, making stops in all of its major cities. The train's journey began in Vancouver and ended at Moncton on the eve of the Francophonie Summit.

The objective of the trip was to foster solidarity and pride in our young francophone Canadians and their counterparts from other countries, as well as to celebrate the Canadian Francophonie and to share our treasures and our accomplishments with the rest of the world.

Judging by what I saw — the laughter, the sense of adventure, the quality of discussions between these young people — the Grand train de la Francophonie was a great success. I am sure that memories of this trip will remain forever with the young Canadians who took part. They will now be even prouder and more knowledgeable about our country and the vigour of our francophone community.

I congratulate the organizers and sponsors of this project, and trust that there will be many more such opportunities to promote the transmission of such a positive message to our young people.

[English]

• (1610)

THE SENATE

RESPONSE TO REQUEST FOR FLAG PINS

Hon. Thelma J. Chalifoux: Honourable senators, in June of this year, there was a letter to the editor of *The Edmonton Journal* from a gentleman from Wandering River, a small community in Northern Alberta. He was not only defending this honourable institution, but also defending the dedicated people who have been appointed to this illustrious house of sober second thought. He wrote that we, as senators, listen to ordinary Canadians.

When I was in Halifax this past August, I met with the unsung heroes who work and volunteer for the Missions to Seamen. These are the people who meet the sailors who touch our shores from all parts of the world. They provide so many basic services for the crews. It is a friendly face in a new world that greets these people when they reach our shores. This is an organization that promotes the friendliness and the generosity of Canadians.

At this meeting, I was asked to provide some small Canadian flags and flag pins that could be given to crews when they come into port. When I arrived back in Ottawa, I sent a request to all of your offices. The response has been overwhelming. Honourable senators have been so generous that now a small bit of Canadiana will go with all sailors who touch the Halifax shores.

Some of these flags will also be going to Kosovo with some troops from the Edmonton Garrison for the children in that part of our world. All honourable senators deserve a huge vote of thanks for bringing our country's flag to the rest of the world. The gentleman from Wandering River was correct when he said that we, the senators, listen to ordinary Canadians.

UNITED NATIONS

TWENTY-FIRST SPECIAL SESSION OF GENERAL ASSEMBLY ON POPULATION AND DEVELOPMENT

Hon. Lois M. Wilson: Honourable senators, I wish to bring to the attention of the Senate the deliberations of the Twenty-first Special Session of the UN General Assembly on Population and Development, which was the five-year review of the 1994 Cairo Conference on that subject. I was head of the delegation which met in New York from June 30 to July 2, and included officials from the Department of Foreign Affairs, the Department of International Trade, CIDA, the Department of Citizenship and Immigration, and the Department of Health. It also included

three delegates from civil society. The purpose of the session was to assess the progress and constraints faced in implementing the Cairo Program of Action.

Three issues that dominated the discussions were the training of personnel to afford safe abortions for women, the availability of reproductive health services for women, and the provision of public sex education for young people. By these measures, it is hoped to promote responsible sexual behaviour and protect adolescents from unwanted pregnancy, unsafe abortion, and sexually transmitted diseases. Most countries represented at that meeting wanted to facilitate the implementation of the Cairo decisions on these matters, and that point of view prevailed despite a strong conservative lobby that resisted them.

The Cairo Program for Action builds on two earlier United Nations conferences: the 1992 Earth Summit in Rio, which acknowledged that the earth cannot support a continually growing population, and that economic development must be environmentally sustainable; and the 1993 Vienna Human Rights Conference that agreed that women's rights are human rights, and emphasized the indivisibility of all human rights.

Much progress was made at the New York meeting, but my embarrassment was that Canada had no announcement to make of a long-term strategy for population, sustainable development and reproductive health care that addresses all these issues as an integrated whole, as promised by Minister Sergio Marchi in Cairo in 1994. This happened despite the strong recommendation of the Canadian Association of Parliamentarians for Population and Development that the appropriate development agency formulate a strategy in time for this New York meeting. The need for an integrated strategy had wide support from citizens in the recent cross-Canada consultations. Surely, Canadians want the same rights of choice extended to others in countries where we work in partnership. We look for an integrated strategy in this area very soon.

[Translation]

BLOC QUÉBÉCOIS DEFINITION OF QUEBECERS

Hon. Jean-Robert Gauthier: Honourable senators, the Bloc Québécois federal council met in Trois-Rivières on the weekend for the purpose of defining, among other things, what a Quebecer is.

For me, a Quebecer is someone who lives in Quebec. For them, it is something else. The September 11 *La Presse* ran an article with the following headline:

Bloc Québécois Buries French Canadian Nation

Honestly! The BQ identity defining document said the following:

There is no longer a French Canadian nation in Quebec.

What a ridiculous statement! To my knowledge, Quebec is still part of Canada. To my knowledge, there are two official languages, English and French, in Canada. To my knowledge, the majority of Canadians living in Quebec are French-speaking and proud of it, just as there are English-speaking Canadians in Quebec and in Canada who feel the same about the language they speak.

The French Canadian nation is far from dead. On the contrary, it is very much alive and its vitality continues to grow, whatever members of the Bloc Québécois might think.

Since the Bloc Québécois wants no more to do with French Canadians, perhaps they could give us their definition of English Canada and tell us what to make of the one million francophones living outside Quebec.

Mr. Bouchard, their leader and founding father, should be ashamed of his followers and the way they are pulling the plug on communities which are not of the same pure stock as they are.

[English]

ROUTINE PROCEEDINGS

SUPREME COURT OF CANADA

ANNOUNCEMENT BY CHIEF JUSTICE OF INTENDED RESIGNATION— NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, pursuant to rule 56 (1), (2) and 57(2) of the *Rules of the Senate*, I give notice that two days hence, I will call the attention of the Senate:

(a) to the August 21, 1999 public announcement by Chief Justice Antonio Lamer of his intended resignation from the Supreme Court of Canada for January 7, 2000, prior to the formal, official notification to the Governor General or the Prime Minister;

(b) to the very public occasion for this intended resignation announcement being the annual meeting in Edmonton of the Canadian Bar Association, and to the very public, highly orchestrated media staging of this announcement;

(c) to the peculiar and unusual manner and style of this resignation, and to the proper form and manner of resignation of persons of high judicial office;

(d) to the public debate, controversies, and expressions of opinion actuated by this public announcement of intended resignation, and to the media reports of same;

(e) to the relationship between politics and propaganda, and to the definition of propaganda in Fowler's English Usage as a:

"...systematic propagation of selected information to give prominence to the views of a particular group...";

(f) to the proper relationship of judges to politics and to the political art of propaganda;

(g) to the political concept of judicial independence in Canada, and to the rules that judges restrain from seeking political or public support for beliefs, thoughts or deeds, and restrain from participation in public controversies, because of their positions of high judicial office; and

(h) to the pressing public and social concern about these matters, and the judicial and political condition in Canada today.

QUESTION PERIOD

TRANSPORT

PRIVATE SECTOR PROPOSAL TO PURCHASE AIR CANADA— TABLING OF ORDER IN COUNCIL TO ALLOW DISCUSSION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, as is well known, the Progressive Conservative national caucus will be holding its policy gathering as of tomorrow in Calgary and, for the last few days, we have been asking when the minister would be tabling the order as required under the Canada Transportation Act, the section 47 order remitted by the government relating to competition.

Does the minister have an update on that matter for us?

Hon. B. Alasdair Graham (Leader of the Government): Yes, honourable senators, I will be tabling the document not later than tomorrow.

Senator Kinsella: Honourable senators, we appreciate that we will get it tomorrow and I thank the minister for that.

● (1620)

TRANSPORT AND COMMUNICATIONS

PRIVATE SECTOR PROPOSAL TO PURCHASE AIR CANADA— TABLING OF ORDER IN COUNCIL TO ALLOW DISCUSSIONS— POSSIBLE REFERRAL TO STANDING COMMITTEE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question for the Chair of the Standing Senate Committee on Transport and Communications. Section 47 of the Canada Transportation Act provides that, when the minister tables this order, it is then referred to the appropriate committee of each house. I should like to ascertain whether it is the honourable senator's view that the Standing Senate Committee on Transport and Communications would be the appropriate committee. If so, tomorrow we could endorse a motion, I hope unanimously, to have the matter referred to her committee.

Hon. Marie-P. Poulin: Honourable senators, I thank the honourable senator for his question. As soon as the matter is referred to the committee, I will confer with the steering committee.

Senator Kinsella: I thank the honourable senator for that answer.

NATIONAL DEFENCE

POLICY ON ARRANGING FLIGHTS FOR CIVILIANS ON CF-18 AIRCRAFT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question for the Leader of the Government on a different topic but in the same general area, namely the discussions going on around the merger of Air Canada and Canadian Airlines. There have been reports circulating that certain Canadians have access to flights in CF-18 fighter planes. I know my colleague Senator Atkins would love to take such a flight. Could the minister share with us what the policy of the government is on arranging such flights for Canadians in CF-18s?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I would be very happy to try to arrange a flight for Senator Atkins in a CF-18, if he has the courage to go up.

Senator Lynch-Staunton: Would you bring him back?

Senator Graham: I would personally do my best to bring him back, particularly if there was to be a vote in the Senate.

The Canadian Forces conduct familiarization flights for civilians in very high performance aircraft when they can be accommodated in a way that will not interfere with operational and training missions. Such flights are offered primarily to the media and to aviation photographers, but may also be authorized for business leaders or for politicians, if it is in the best interests of the Canadian Forces to do so.

Perhaps Senator Murray could help me on this, but I understand the policy until the summer of 1998 was that normally the commanders of subordinate headquarters approved such requests, and this probably would have been the case when Mr. Schwartz took his flight.

I see Senator Robertson smiling. She must have been up on a flight herself.

Senator Robertson: No way!

Senator Graham: I was in attendance with my grandchildren Saturday afternoon at the Shearwater Air Base. I did notice that the new Cormorant helicopter, which is the replacement of the Labrador, was sitting on the tarmac, and I saw some children and

others boarding the aircraft — I believe these were specially chosen children who have had medical problems.

Senator Lynch-Staunton: Cormorant was paying for them.

Senator Graham: I know that several members of Parliament had been taken on a test flight on the weekend. Indeed, I had been invited, but I was unable to take advantage of the flight on this very excellent aircraft.

I noticed as well that there was a long line-up of interested onlookers to view other Canadian military hardware. They were giving demonstrations with the Coyote, which, according to the military people who were present, is as sophisticated as any similar land vehicle in the world. I heard someone in this chamber say they were like Dinky Toys, and I asked the military personnel responsible for giving the demonstration whether this could be classed as a Dinky Toy. He laughed and said this is as sophisticated as it gets anywhere in the world. They were also taking people for demonstration rides on the Bison land vehicles. I thought it was a great exercise in public relations, familiarizing Canadian taxpayers with how their tax dollars are spent. Most particularly, it was effective with the young people, who were absolutely fascinated because of the excellence of the demonstration that was put on.

Senator Kinsella: Honourable senators, in the case at hand, could the minister identify any public policy objective being served when a friend of the then minister of Defence gets one of these rides — a civilian who does not seem to have any qualification other than being a friend of the minister?

Senator Graham: I do not know that that would be accurate. I presume the honourable senator is referring to Mr. Schwartz, who landed safely. As to citizens like Mr. Schwartz or very successful businessmen, philanthropists, or whatever, in this country, I suppose we could ask the Department of National Defence to go through its records to determine what Conservative members of Parliament, Conservative cabinet ministers, former Conservative cabinet ministers, or Conservative senators took advantage of such rides. Indeed, we could inquire as to other Canadians, who might be called ordinary Canadians like myself, who were given the opportunity of seeing the Canadian Armed Forces military and their equipment at their best.

CANADIAN HERITAGE

STATUS OF PLANS FOR PROPOSED NEW WAR MUSEUM

Hon. Lowell Murray: Honourable senators, I was considering a supplementary question about whether the minister can let us know what else may be on the wish list of Mr. Gerry Schwartz, but I will let that pass for the moment.

I should like to ask a couple of questions about the Canadian War Museum. It has been 10 months since the government announced that it would be acquiring land for a new war museum. Does the Leader of the Government know — and if he does not know will he undertake to find out — what the status of this matter is at this time? Have requests for proposals gone out? Exactly what is the government's plan as of today?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the government is committed to making the Rockcliffe site land, as I believe it is referred to, available to the museum. I understand that the museum and the Friends of the Canadian War Museum have been quite successful to date in fund-raising efforts for the project. Other options are being examined to supplement those fund-raising efforts, such as the reallocation of money from the Canadian Museum of Civilization Corporation for the construction of the new facility. I thank Honourable Senator Murray for bringing this matter to our attention and I shall bring his concerns to my colleagues and urge them to move as quickly as possible on this very important endeavour for Canadians.

PROPOSED NEW WAR MUSEUM—DEPENDENCY ON
PRIVATE SECTOR FUNDING—GOVERNMENT CONTRIBUTION

Hon. Lowell Murray: Honourable senators, while I thank the honourable minister for that, I should like to ask him, while he is at it, to undertake the following on our behalf.

First, will he bring in an explanation of why government participation in this project is dependent on private financing? Is this a settled policy? Second, will he indicate, if it is to be a settled policy, exactly what commitment the Government of Canada is prepared to make, in dollars and cents or in percentage terms, for the capital and operating costs of this proposed new museum?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I understand the estimated cost of the new facility is the order of \$84.25 million.

• (1630)

The private sector has indicated a willingness to participate in fund-raising efforts, I understand, in the amount of \$15 million. The reallocation of monies from the Canadian Museum of Civilization fund is in the order of \$7 million. The value of the land transferred by the Department of National Defence and the National Capital Commission is in the order of \$4 million. That would bring down the incremental resource requirements for the project to \$58.25 million, in exact figures as I understand it.

As far as the government is concerned, it is full steam ahead.

REVENUE CANADA

MANITOBA—SEIZURE OF ASSETS OF INDIVIDUAL
FOR NON-PAYMENT OF TAXES

Hon. David Tkachuk: Honourable senators, my question for the Leader of the Government in the Senate regards the recently

reported Revenue Canada raid seizing the assets of an individual in Winnipeg for non-payment of taxes.

This particular action shows what happens when too much power is given to government institutions. It does not seem unreasonable for the government to use various avenues to collect money owing after failing to get money in the regular way, by perhaps asking for it and writing letters and using the judicial process. I know that it can be quite difficult to garner the funds that Revenue Canada believes they are owed through the judicial process.

However, I and, I think, many Canadians were particularly shocked that Revenue Canada would seize a 12-year-old boy's bike, his medal of bravery — a humanity medal which he had earned — with plans to auction them off along with other toys that they had taken. Revenue Canada did make an about-face and return the medal, but it seems they did so only after they found out they could not get much money for it.

I know that the government finds that its multi-billion dollar surplus is inadequate and so therefore is penalizing the Canadian people with high income taxes.

Honourable senators, I am trying to be at least half as long as Senator Graham was in answer to the previous question. The government is also taking the surplus of the Unemployment Insurance fund and taking pension funds, as evidenced by Bill C-78. However, I think taking a child's toys and bike is a little unreasonable.

Will the Leader of the Government undertake to ensure that Julius Rosenberg gets his bicycle and other toys back?

Hon. B. Alasdair Graham (Leader of the Government): Yes, honourable senators, I would put my best efforts forward. As a Canadian, as I watched that story being told on television, quite frankly, I was embarrassed. Insofar as it is possible on the part of the Leader of the Government in the Senate to do so, I apologize.

I understand that most of the other effects, such as the teddy bears, have been returned, but I shall make the appropriate inquiry and make my best efforts to ensure that all those things have been returned to this young boy.

NATIONAL DEFENCE

CONFLICT IN EAST TIMOR—DUTIES OF PEACEKEEPING FORCE—
CONSIDERATIONS IN PREPARATION FOR MISSION

Hon. A. Raynell Andreychuk: Honourable senators, it was announced by the Prime Minister that we will be sending peacekeepers to East Timor. Could we be advised what the peacekeepers will undertake and whether their readiness is immediate?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, they would undertake to do what regular peacekeepers do: maintain and keep the peace.

With respect to their readiness, we have been assured by officials of the Department of National Defence and, indeed, by the Minister of National Defence that we do have the troops available and that we can call upon them, whether they be in Canada or other theatres at the present time. We can deploy upwards of 600 troops as Canada's contribution to the terrible uprisings in East Timor.

I understand as well that there may be a complicating factor with respect to time because of inoculations. These considerations would come under the general heading of medical requirements. Canadian Forces troops will be required to have the appropriate medical vaccinations, some of which might need to be administered, I am told, up to 30 days prior to possible exposure. Specifically, our troops would need to be inoculated against Japanese encephalitis, which requires, I understand, 28 to 30 days lead time.

Senator Andreychuk: Honourable senators, am I to read into the leader's reply that neither the United Nations nor Canada had anticipated sending peacekeeping troops until the APEC meeting?

Senator Graham: If the honourable senator is referring to whether or not they should have anticipated and inoculated, I suppose, in fairness, she should come a little closer to the conclusion that, indeed, peacekeeping troops will be sent before you subject the troops to an inoculation.

As I indicated last week, Canada played a very key role, on the margins of APEC, in initiating discussions among foreign ministers of some 20 countries to bring this action about. Minister Axworthy had written early in the game to the Foreign Minister of Indonesia urging Indonesia to allow peacekeeping forces to be present in that country and in East Timor specifically.

The special delegation of the United Nations, including the President, the Foreign Minister, and the Chief of the Armed Forces Staff of Indonesia, which went to East Timor, is due back in New York at the United Nations this afternoon, as is the foreign minister of Indonesia. I understand that a meeting of the Security Council, in which Canada will play a leading role, is scheduled for later today, if it is not already underway.

Senator Andreychuk: Honourable senators, on a further supplementary question, the minister indicated that if we inoculate our peacekeepers before we send them to East Timor, there will be a 30-day delay. However, if we are sending peacekeepers to maintain the peace and there is a 30-day delay, how can we expect in any way save East Timorese lives?

I come back to my first question. Was Canada part of any discussions prior to the APEC meeting in New Zealand that would have anticipated violence in East Timor?

My point is again, and I will make it over and over, that we are getting involved in United Nations ventures and in NATO ventures like Kosovo without understanding the full consequences of what we are doing. We are justifying our actions by saying we are saving lives, but we are not saving the lives.

Senator Graham: Honourable senators, we talk about anticipatory democracy, and this is anticipatory peacekeeping. It is all well and good to suggest what could have been done, but at same time, as I said earlier, I do not know that we would subject our troops to inoculations which they might not need until we are a ways down the road to taking such action.

There is no question that Canada played a leading role in bringing about the present action. The present action not only involved the foreign ministers and Prime Ministers and the President who attended the APEC meetings in New Zealand, but also the UN Security Council. As well, within our Armed Forces, the Chief of Defence Staff and his officials had to examine whether or not we had the necessary troops, and they have now answered in a very positive way that we indeed have the troops available.

• (1640)

There was another very fundamental question, namely, whether or not President Habibie and the Government of Indonesia would allow peacekeeping forces into Indonesia or into East Timor. I do not believe Canada recognizes the jurisdiction of Indonesia over East Timor. However, that is another question for another day.

At the same time, any peacekeeping forces entering Indonesia or East Timor without the invitation and the concurrence of the Government of Indonesia would be tantamount to an invasion.

Senator Andreychuk: Honourable senators, am I to take from this that we understand which peacekeeping role we would play? The minister has indicated that we have canvassed the military to determine if we have sufficient peacekeepers. Do we know the role of the Canadian peacekeepers who will go there? Is it the policy of the Canadian government that when the United Nations triggers a peacekeeping venture we will provide 600 troops irrespective of the mandate they may have to fulfil? Are we ready to play that role?

Senator Graham: Honourable senators, our troops have been as well trained, if not the best trained, for peacekeeping roles as any other force in the world, as our record would show. We are very proud of it.

Whether our troops would be specifically for transportation, logistical or police purposes or, perhaps, a combination of all three and many more, or for assisting in the provision of much needed humanitarian aid, is something that is being determined by officials at the present time.

Senator Andreychuk: Honourable senators, is the minister prepared to provide us with the definition of "peacekeeping" in the case of East Timor? I ask that question because I am not clear on the meaning of the word "peacekeeping." It has taken on many shades and variations, from roles akin to peacebuilding and peacemaking, to out-and-out action and war, as perhaps Kosovo could be fairly characterized.

Senator Graham: Honourable senators, the answer to such a question could cover a lot of ground. I personally watched our peacekeepers in Namibia. I watched them on the Angolan borders when I was there election observing. I have seen them in Nicaragua and other countries. They undertook a variety of chores and played a variety of roles in assisting in keeping the peace in those areas.

There are not only members of the Canadian Forces but members of the Royal Canadian Mounted Police. At the present time in East Timor, there is a member of the RCMP and a member of the Toronto police force, I believe, who are trying to provide some assistance, training and stability for that particular area.

Hon. Pierre Claude Nolin: Honourable senators, I wish to be clear on the answers given to my colleague. To which article of the UN Charter is the minister referring, Article 6 or Article 7? His answer seemed to refer to Article 6.

Senator Graham: Honourable senators, I will find that out.

Senator Nolin: They are totally different.

Senator Graham: Yes, I understand. I do not know if that has yet been determined, Senator Nolin. However, I shall attempt to find out at the earliest possible time. If I do not find out today, I will try to have an answer for the honourable senator tomorrow.

[Translation]

QUESTION ON THE ORDER PAPER

REQUEST FOR ANSWER

Hon. Gerald J. Comeau: Honourable senators, on May 6, I asked a question about fisheries, and I wonder whether I will receive an answer before Parliament is prorogued?

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I shall attempt to urge the transmission of that answer as soon as possible.

ORDERS OF THE DAY

CANADIAN ENVIRONMENTAL PROTECTION BILL, 1999

THIRD READING—VOTE DEFERRED ON MOTION IN AMENDMENT—POINT OF ORDER

On the Order:

On the motion of the Honourable Senator Taylor, seconded by the Honourable Senator Finnerty, for the third reading of Bill C-32, respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development; and

On the motion in amendment of the Honourable Senator Ghitter, seconded by the Honourable Senator Cochrane, that the Bill be not now read a third time but that it be read a third time on Tuesday, September 21, 1999.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I have a point of order which I would have raised on Friday, when it should have been raised, but I was not able to be here for the last hour of the proceedings. Therefore, I only spotted the discrepancy while reading Hansard this morning. I refer to the vote which has been deferred until 5:30 p.m. today, which I feel is not in order for the following reasons: First, the motion that was made to hoist the bill for 11 days is a non-debatable motion, and should have been voted on immediately. Second, debate was allowed on the motion by Senator Hays and others, which is also irregular and out of order.

Thus, I bring this matter to the attention of the chamber and to His Honour in particular. To my mind, the Senate engaged in an activity which is not permitted by the rules, namely, it deferred a vote on a non-debatable, dilatory motion which should have been voted on immediately, or as soon as the rules permit after the motion was made and seconded.

As a matter of fact, the day before, Senator Stratton, I believe it was, made a similar motion for a six-month hoist on Bill C-78. We proceeded properly by having the vote, after the bells were rung for half a hour, or whatever it was. At any rate, the vote was taken as soon as it would have been taken, whereas on the following day, I maintain that the house was completely out of order in deferring the vote until today, and further, allowing debate on it.

The Hon. the Speaker: I thank the Honourable Senator Lynch-Staunton for raising the matter. I will look into it immediately.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, it may be of some help to the Chair if I refer His Honour to page 173 of *Beauchesne's Parliamentary Rules & Forms*, 6th Edition. I refer to the rubric "Types of Motions" where His Honour will find a definition of dilatory motions.

Our rule 23(4) states:

The provisions of section (3) above shall not apply to dilatory or procedural motions, which can be moved without notice and must be decided without debate.

On page 173 of the 6th edition of Beauchesne, dilatory motions are defined. A hoist motion is included within the category of dilatory motions.

Hon. Anne C. Cools: Honourable senators, I am trying to follow what is being asked for here. Do I understand that Senator Lynch-Staunton is asking for a ruling from His Honour?

Senator Lynch-Staunton: Honourable senators, I am just pointing out that the house acted in a very irregular fashion on Friday. I felt that the least that could be done was to bring it to the attention of the house.

Whether we should proceed with the vote is something else. I raise the matter because too often we have been too relaxed with the application of the rules here, which inevitably leads us into being too generous with our interpretation. In this case, that has led us into making what I think is a gross breach of the rules.

The Hon. the Speaker: If no other honourable senator wishes to speak to the point of order, I will take it under advisement and report as quickly as I can.

• (1650)

PUBLIC SECTOR PENSION INVESTMENT BOARD BILL

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Sibbeston, for the third reading of Bill C-78, to establish the Public Sector Pension Investment Board, to amend the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the Royal Canadian Mounted Police Superannuation Act, the Defence Services Pension Continuation Act, the Royal Canadian Mounted Police Pension Continuation Act, the Members of Parliament Retiring Allowances Act and the Canada Post Corporation Act and to make a consequential amendment to another Act.

Hon. Ione Christensen: Honourable senators, I see two simple and fundamental issues here: One is a legal issue; the other is a perceived moral issue.

It would be morally repugnant to me, as it would, I am sure, to any member of this chamber, if a government were to steal the hard-earned money of its employees. From the arguments

presented by the honourable senators across the way, they would have the media, the public, and this chamber believe that that is indeed the case.

I have difficulty seeing the logic of that argument. If there is a deficit and the government is responsible for 100 per cent, not just 40 per cent, how can it conversely be argued that, when there is a surplus, the government should only be entitled to 40 per cent or none at all?

It would appear that based on past actions, there is a strong legal argument — and I do not pretend to be a legally trained person — that the government has a legal responsibility to any deficit and, conversely, logic would dictate, a legal responsibility for the surplus.

Canadians would have serious cause for concern if their government were to divest itself from the responsible management of \$30 billion, from whatever fund, over which it had a legal obligation. Ask any farmer in Manitoba, Saskatchewan, Alberta, or other parts of this great nation. Ask the fishermen on the East and West Coasts. Their retirement benefits are non-existent. Generations of invested time and money in the land and the sea are disappearing.

The issue here is how this fund will be used. Senator Lawson suggested that the fund be used to assist RCMP widows who fell under the pension where members elected to contribute or not. My father, G.I. Cameron, who was a proud member of that force, fell into that category and his pension died with him. The surplus could indeed be directed to such a worthy need. However, there is a danger in adding to benefit packages. There is no problem when there is a surplus, but how do you continue to service such additional increased benefits in a deficit situation?

Senator Lawson's comments were certainly right on. Those RCMP wives did indeed fill in for their husbands when they were on patrol. As a child, I lived for 15 years in an isolated post. My father was the only officer. He was on duty 24 hours a day. In those 15 years, I never saw him out of uniform. My mother was the policewoman when he was on patrol, and it was rumoured that the policewoman was much tougher than the policeman.

The pertinent issue in this bill is how these funds will be used. That is for negotiation. Such answers are yet to be determined. I would prefer that we had this information before approving the bill, that assent be withheld until that could be determined, but the bill and much needed reform would be lost.

Ownership of the surplus will be determined in the courts. This legislation should be in place so that further revisions can be made to better the needs of those affected.

The public service have earned and received one of the best benefit packages in Canada. This bill does not take away, reduce, or affect the pension entitlements of any person under these plans. These benefits are protected through existing legislation and many clauses in this bill would enhance those entitlements.

Honourable senators, I would prefer to have far more background on the matter than I have. However, with my limited research and in discussion with other members of this chamber who have done research, I am willing to accept their considered opinions on the merits of this bill, albeit not a perfect bill, but a position from which to build.

Initially, I was concerned with the impact of this bill on proposed changes to employer contributions as they apply to the Yukon. While I understand that there are proposed changes to regulations that would place a greater burden on all three territories, those regulations are not part of this bill, nor does this bill affect them. That is a different fight and one that I shall pursue.

A dead bill goes nowhere. Money and years are wasted starting over, if a new start is made at all. However, active bills grow with cooperative negotiation and all can benefit.

I support the bill knowing that our work has only just begun and that we must now follow up the progress to ensure fair application.

Hon. David Tkachuk: Honourable senators, I congratulate Senator Christensen on her maiden speech.

Hon. Senators: Hear, hear!

Senator Tkachuk: Senator Christensen said that there was concern due to the extra cost of bringing new people into the pension plan. I should like to know her thoughts concerning the fact that the RCMP widows will not be part of the plan but that a conjugal benefits clause will extend benefits to a variety of new people who were not a part of the original plan. Would she comment on whether she supports that part of the plan that will extend benefits within the pension plan as it presently stands?

Senator Christensen: Honourable senators, I should be pleased to respond.

I must tell you that my father retired from the RCMP in 1949. I was in grade seven or eight at the time. Therefore, my knowledge of the plan as it stood at that time — and it certainly has changed since — is a little vague.

I do know that the members at the time were allowed to elect whether they wished to contribute. If they elected to contribute, then the widows were able to benefit. If they did not elect, then they knew, as did the family, that the widows would not receive the benefit.

Regarding the other question, I am sorry, but in last five days I have not been able to make myself totally familiar with the ramifications of the bill. At a later date, I shall be able to answer the honourable senator's question in a more responsible way.

Hon. Pierre Claude Nolin: In her maiden speech, Senator Christensen made reference to arguments presented by other senators in this chamber. In so doing, she referred to my speech of Friday morning. It was my intent to give a new life to this

debate; that is why I referred to two decisions from the Province of Quebec.

I wish to remind the honourable senator, before asking for her thoughts on those decisions, that those decisions related to the pension funds of two private corporations. In one decision, the Appeal Court of Quebec decided that, even if the fund was only funded by the employer, there was a contractual relationship between the employees and the employer that the fund and the fund surplus were for the employees, period. Does the honourable senator have any thoughts on that?

Senator Christensen: Honourable senators, with my limited knowledge of the ramifications of this particular fund, I know that when a persons terminate prior to six years of employment under the superannuation fund, they receive back only their own contribution.

I assumed that if the combined employer-employee contribution was part of the total employee benefit, the employer's contribution would be refunded to them at that time as well, and that is not the case. That is where I have some difficulty.

• (1700)

Senator Nolin: The judges said in the appeal court —

Senator Taylor: Maiden speeches are not questioned.

Senator Nolin: We are dealing with important matters here, and my colleague has decided to speak on this issue. It is important that we have a thorough exchange on what has been said.

Senator Taylor: We did not question your maiden speech.

Senator Nolin: The judges said that, in deciding what to do with a pension fund, we must first look at the regulations and the rules of the specific fund. If there are no rules, the employer and the employee should conduct discussions aimed at arriving at a settlement. In the present case, there was no discussion, which is why the thoughts of my honourable friend are very important to me.

On motion of Senator Andreychuk, debate adjourned.

CANADIAN ENVIRONMENTAL PROTECTION BILL, 1999

THIRD READING—MOTION IN AMENDMENT—VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Taylor, seconded by the Honourable Senator Finnerty, for the third reading of Bill C-32, respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development.

And

On the motion in amendment of the Honourable Senator Ghitter, seconded by the Honourable Senator Cochrane, that the Bill be not now read a third time but that it be read a third time on Tuesday, September 21, 1999.

Hon. Thelma J. Chalifoux: Honourable senators, I rise today to clarify some of the comments that Senator Ghitter made in reference to the aboriginal senators who participated in the review of Bill C-32. I have never been one to participate in personality politics; therefore, I wish the record to show that the statements made by my honourable colleague on the other side are not well founded at all.

In my years as a Métis activist and elder, I, along with my council, were charged with reviewing all resolutions and by-laws of our Alberta Métis Nation and with developing a government structure for our nation as a whole. We were also charged with dispute resolution as it related to our traditional justice system. I hope that I bring some of these teachings to our committee system.

Honourable senators, I am my own person. I try to be as fair and non-judgmental as I can when I listen to all sides of the argument. Yes, I am concerned with parts of this bill, but I see many improvements over the previous bill, as Senator Hays related to this house in the last sitting.

In 11 years of review, there was no participation with all aboriginal leaders of this country. This is borne out in the wording of many parts of this bill. One amendment to this bill will not rectify the inclusion and consultation process with aboriginal nations.

This bill is one of the most complex and challenging pieces of legislation that I have participated in since my appointment to this most prestigious house of sober second thought. There are many improvements in the new bill, but we still have a long way to go to meet the many challenges that must be addressed in protecting Canada's environment.

One of the improvements is in Part 10, clauses 216 to 312, whereby the enforcement officers now will have the authority to issue environmental protection compliance orders to stop illegal activity or to require action to correct a violation, and these orders are valid up to 180 days.

Honourable senators, personally, I view this bill as a living document. The review process must begin soon after the passage of this legislation, especially in the areas of participation and consultation with the aboriginal nations of Canada.

The Constitution Act, 1982 recognized that there are three separate, distinct nations of aboriginal peoples in Canada. They are the Inuit, the Métis, and the First Nations. This is not spelled out in this legislation.

The definition of "aboriginal land" must be reviewed. In the present definition, very little consultation will be able to take place with aboriginal nations, as it limits the process to only lands that are subject to the Indian Act.

Aboriginal peoples have occupied most of the northern parts of our country for thousands of years. Most of these lands are not under the Indian Act, but the aboriginal peoples are still the caretakers of this part of our world. As they do not identify the three aboriginal nations, the vagueness of the definition of aboriginal lands and governments affects other parts of this bill. This is why a review of the clauses of this bill as they relate to the aboriginal peoples of Canada is so important.

The Inuit nations of the Arctic are in a similar situation regarding the issue of consultation and committee structure. Many different regions of the Arctic are not able to be heard through one representative. A structure must be developed that includes all Arctic regions because, in my opinion, it is the northern part of our country that will determine the future well-being of all Canadians. Therefore, this part of the bill must be thoroughly reviewed over the next few years with a view to clearly spelling out a consultation process regarding the department's obligation to consider and to act on the recommendations of the committee.

Honourable senators, this legislation highlights the inadequacy of the existing situation of the Métis Nation and all aboriginal peoples of Canada who are not part of the treaty process to participate and negotiate in all issues of importance to all Canadians.

I support the passage of this bill so that we can move forward into the next century with total inclusion and participation for the benefit of all Canadians.

Hon. Pierre Claude Nolin: Honourable senators, I am sure Senator Chalifoux heard the speech of Senator Hays the other day. He proposed that the Métis could be elected as representatives on the National Advisory Council under this legislation.

Does the honourable senator support what Senator Hays said?

Senator Chalifoux: No, I am afraid I cannot support it. When one looks at the legislation and the way it is written, the qualifications to sit on that committee absolutely negate the inclusion of the Métis, as well as the Inuit who are not part of Nunavut.

Senator Nolin: Correct me if I am wrong, but I believe we are reading the bill the same way because only aboriginal government representatives can be elected. The Métis of Canada cannot be elected as representatives to sit on the National Advisory Council.

Senator Chalifoux: That is correct, but in order for this bill and for the environment act to go forward, we must begin now.

I met with Gerald Morin this morning concerning this bill. I explained everything to him, and he was of the same opinion.

In 11 years, the Métis were not consulted once on this bill. The Métis National Council would like the opportunity to sit down with the committee and review the bill. Mr. Morin agrees with me that if, we are to do that, we must pass this bill now and begin the review process immediately so that in five years everything is set and we can become involved.

Senator Nolin: Is the Honourable Senator Chalifoux familiar with the decision of the Supreme Court in *Sparrow*? Has she read it?

Senator Chalifoux: No.

Senator Nolin: I will make a speech tomorrow and refer to that decision at length. There is an obligation on the part of the federal government to consult under section 35 of the Constitution, not only with the First Nations and the Inuit, but also the Métis.

• (1710)

Senator Chalifoux: The Inuit and the First Nations are recognized under section 35 of the Indian Act by the Department of Indian Affairs. The Métis are not. Even though they are included, they are not recognized, and that is why I stated in my last section that that must be clarified so that we can move forward as a nation.

The Hon. the Speaker: Honourable senators, I regret that I must interrupt the debate. As you know, there is an order of the Senate that at 5:15 the bells must ring for the vote at 5:30 p.m., and I wish to report on the point raised by the Honourable Senator Lynch-Staunton.

THIRD READING—VOTE DEFERRED ON MOTION
IN AMENDMENT—POINT OF ORDER—SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, in his comments, Honourable Senator Lynch-Staunton indicates that he believes the motion that was passed is a hoist. I have looked into the authorities and I find that, indeed, a hoist motion, if it is a hoist motion, is a debatable motion in any case. However, if you look at the motion that was made on Friday, it is after debate, in amendment. The Honourable Senator Ghitter moved, seconded by Honourable Senator Cochrane:

That the Bill be not now read a third time but that it be read a third time on Tuesday, September 21, 1999.

Therefore, that motion was moved as an amendment to what was then a debatable motion, and following the practices that we have would be a debatable amendment and, therefore, one that can also be deferred insofar as a vote is concerned.

I rule that the motion in amendment is in order.

Hon. John Lynch-Staunton (Leader of the Opposition): May we ask questions on this ruling? I am very confused. The bells must ring; let them ring.

The Hon. the Speaker: We have three minutes. We are fairly flexible in our rules, and I have no objections, if honourable senators agree, to having a question.

Senator Lynch-Staunton: Just to be clear, because this is not a written ruling, did His Honour say that the motion that we are voting on is debatable even though it is a hoist motion? Did I understand him correctly — and that, therefore, it can be deferred?

The Hon. the Speaker: I refer the honourable senator to Beauchesne. There he will see that there are three types of amendments that may be proposed at the second reading stage. These are the hoist, the reasoned amendment and the referral of the subject-matter. The hoist is an amendment and, therefore, is debatable. That has been our practice here, I understand, both on second reading and on third reading.

Senator Lynch-Staunton: Since His Honour is allowing this conversation, what is the difference between that motion and Senator Stratton's motion for a six-month hoist, which we were told by one Table Officer was non-debatable and non-deferrable?

The Hon. the Speaker: I do not know where that information came from. However, honourable senators, it does point up one of the problems that we have in this chamber. No objection was raised on Friday, when the motion was made, and therefore the assumption is that the chamber had agreed to proceed in that way.

This is a constant difficulty, both for myself and for the Table Officers. There are many cases where I know that the Senate is operating against its own rules. However, it is not for me to interfere. If the rules are broken, it is really up to honourable senators to raise the matter.

This is something that possibly we should consider as a Senate. Do honourable senators expect the Table and myself to correct when matters come up? I can tell honourable senators that there are a number of motions made here at times that are completely out of order. Now, is it for us to interfere? That is the point that the Senate must resolve for itself.

In this case, no one objected on Friday, therefore one can only assume that the matter is acceptable to the Senate.

Senator Lynch-Staunton: Let us speak beyond 15 minutes, while we are at it. Ignore the rules completely. Unbelievable.

The Hon. the Speaker: In any case, it now being 5:15, I will ask for the bells to be rung for the vote to be held at 5:30 p.m.

The Hon. the Speaker: Honourable senators, it was moved by the Honourable Senator Taylor, seconded by the Honourable Senator Finnerty, that Bill C-32 be now read the third time.

• (1730)

It was then moved in amendment by the Honourable Senator Ghitter, seconded by the Honourable Senator Cochrane, that Bill C-32 be not now read a third time but that it be read a third time on Tuesday, September 21, 1999.

Motion in amendment negated on the following division:

YEAS

THE HONOURABLE SENATORS

Andreychuk	Lynch-Staunton
Atkins	Meighen
Beaudoin	Murray
Buchanan	Nolin
Cochrane	Prud'homme
Comeau	Rivest
Doody	Roberge
Forrestall	Robertson
Grimard	Rossiter
Kelly	Simard
Keon	Spivak
Kinsella	Tkachuk—25
LeBreton	

NAYS

THE HONOURABLE SENATORS

Adams	Kirby
Austin	Lewis
Bryden	Losier-Cool
Callbeck	Maheu
Carstairs	Mahovlich
Chalifoux	Mercier
Christensen	Milne
Cook	Moore
Cools	Pépin
Corbin	Perrault
De Bané	Perry Poirier
Fairbairn	Poulin
Ferretti Barth	Poy
Finestone	Robichaud
Finnerty	(L'Acadie-Acadia)
Fitzpatrick	Robichaud
Fraser	(Saint-Louis-de-Kent)
Furey	Rompkey
Gauthier	Ruck
Gill	Sparrow
Grafstein	Stewart
Graham	Taylor
Hervieux-Payette	Watt
Joyal	Wilson—47
Kenny	

ABSTENTIONS

THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: The question now before the Senate is the motion for third reading.

Therefore, it is moved by Honourable Senator Taylor, seconded by the Honourable Senator Finnerty, that Bill C-32 be read the third time now.

[Translation]

Hon. Mira Spivak: Honourable senators, Bill C-32, a bill that is supposed to protect both the environment and the health of Canadians, will protect neither.

I am not the only one to hold this view. It is shared by most witnesses who have appeared before the Standing Senate Committee on Energy, the Environment and Natural Resources, by numerous editorial writers and columnists, and by thousands of Canadians who have signed a petition to the Senate. It is also shared by the three most well-informed Liberal members, two of them former ministers of the Environment and the other a Parliamentary Secretary to the Minister of the Environment.

[English]

It means the same thing, unlike the bill, where "cost-effective" and "effective" do not mean the same thing. I wish to make that point.

The legislative process in the House of Commons on this bill was at various times either a farce or a tragedy. It was a drama with heroes and anti-heroes, with Paddy Torsney as the unlikely "Enforcer." In this house, it was tragicomic with our very own Enforcer, Senator Taylor; he was more believable. A representative of the mining industry before our committee dubbed the process "dysfunctional" and others concurred.

We on this side intend to propose a series of amendments, as we promised those who appeared before us in committee. We are doing this, not because we believe that they will be supported by the majority but because we think it is important to place on the public record a response to the new evidence presented to the Senate committee. We also think that it is important to demonstrate how this bill could be improved if some aspects were returned to the House of Commons committee version and other matters corrected. That is our only option. However, there is every indication that the bill will not be allowed to die a merciful death, nor will it be amended.

Time and will permitting, this bill could be transformed by the Senate into a dynamic vehicle for the protection of the health of Canadians. We could do better than what was possible in the House of Commons, where those who subscribe to protecting the health of Canadians and the environment were forced to make compromises as a result of industry pressure, government opposition and the presence of the Reform Party.

The Senate might have performed an outstanding service to the country. The opportunity was lost to expediency.

We could, for example, have listened to Dr. Graham Chance and Dr. Eva Rosinger of the Canadian Institute of Child Health. In their excellent brief they stated:

If amended, Bill C-32 would be the first official Act to acknowledge the special susceptibility of children to environmental contaminants.

• (1740)

An editorial of September 14 in Montreal's *The Gazette* observed:

There is no better occasion for senators to take an active role than the consideration of legislation of this type. When dealing with The Divorce Act, they acted to protect children....The Senate should speak again for those with no one to represent them — children and future generations.

Before I explain why I am making these amendments, I have a few general observations. The playwright Eugene Ionesco is considered a master of the theatre of the absurd, but I should like to compliment the author of the majority report on Bill C-32 as a practitioner of the same school. The majority report recommends that a review of Bill C-32 begin immediately after it is passed. In other words, we should pass a bad bill and, once it is the law of the land, we should begin to talk about amending it sometime in the distant future.

It is like the Star Wars movies — sequel last, episode 4 first — or like Lewis Carroll's *Alice's Adventures in Wonderland* — sentence first, verdict afterwards.

I also wish to respond to Senator Taylor's characterization of the motives of "environmental witnesses" before the committee. In suggesting that they oppose the bill so that funds could be attracted to their organizations, I would caution Senator Taylor that he runs the risk of being regarded as a poster boy for the Flat Earth Society.

Could witness Sam Bock, who coaches this country's top athletes, have had this ulterior motive? Was it behind the presentation of the Canadian Institute of Child Health, which, for 20 years, has been representing children's health, especially their environmental protection? What about the Inuit Tapirisat of Canada? Was Senator Taylor thinking of the skilled lawyer representing the Canadian Institute for Environmental Law and Policy, who acts on behalf of the poor at legal-aid rates, or the

research director of MKO, representing 26 northern First Nations of Manitoba? If his accusations were credible, would industry have lobbied with such intensity to change this bill? Is this just an exaggeration?

As the Prime Minister's Office learned this summer from its polling data, the environment is one of four hot buttons for Canadians, one of only four issues about which Canadians are both most concerned and most pessimistic because of government inaction. It is right up there with homelessness, taxes, and the deficit. Far from exaggerating the problems with this bill, I say that the so-called environmental witnesses have been exceedingly responsible, almost to the point of restraint.

While Bill C-32 does contain some good new measures — and we have heard about them from various senators opposite — it also creates new barriers that prevent the ministers of environment and health from actually doing anything once a substance is determined to be CEPA-toxic. The harmonization provisions, elimination of any fast-track for regulation, the residual nature of this bill, the obligations to consult now having been codified — it is now statutory — and the powers that are taken out of the hands of these ministers and given to cabinet all lead to two possibilities: delay and inaction.

As our committee was told by the research director of the Canadian Institute for Environmental Law and Policy:

...as the bill evolved...it changed from being an environmental protection bill to a bill whose purpose, frankly, was to constrain the abilities of the Minister of Health and the Minister of the Environment to take action to protect human health and the environment.

The Mining Association of Canada presented us with what it called a "simplified flowchart of Part 5," showing how the new regulatory regime might work. There are 33 boxes on it.

The main reason we should amend this bill, however, is to protect the health of our children, our grandchildren, and their grandchildren. The Canadian Institute of Child Health set it out clearly:

There are many factors that determine whether a child is born healthy and stays healthy into adulthood. Among them, influences from the environment rate highly...Exposures (to toxic substances) at critical periods of development, from conception to adolescence, can result in irreversible damage to growing nervous systems and affect emerging behaviour patterns, cause immune dysfunction and have serious reproductive effects.

The lack of definitive data, in particular data on the effects of any given toxic substances on children, makes it all the more imperative that the precautionary principle be applied. We should not wait for full scientific certainty when delay can mean irreversible damage to growing children; neither should we require that the action be cost-effective, whatever that might mean.

The Canadian Institute of Child Health proposed specific amendments to Bill C-32, and I am sure my colleague Senator Cochrane will address them.

With respect to my specific amendments, I wish to speak first to the matter of virtual elimination. Before I do that, though, I feel I must comment on the address that Senator Hays gave here on Friday. I am sorry that he is not here because Senator Hays gave his usual, thoughtful, intelligent address. With due respect, however, on the issue of virtual elimination, he was just wrong. He said that it is just a question of emphasis between the Commons committee version and this bill, as it now stands, that the difference between eliminating the use and the generation of substances and virtually eliminating them is a question of emphasis. However, it is not a question of emphasis, honourable senators. There is a profound difference between eliminating the use and generation of substances and the quantity of these substances that industry can release.

Remember, honourable senators, that we are speaking here of only the most dangerous substances, perhaps a dirty dozen or two, for which most observers say there is no safe level of release.

Honourable senators, I have a few quick points to refute the contention of Senator Hays that it is no big deal but just a matter of emphasis.

First, industry representatives put forward one of the most intensive lobbies to weaken virtual elimination. It was a key issue for them. They got their request because essentially the same proposals on virtual elimination put forth by industry were accepted by the government and incorporated into the bill at report stage. Industry told us that they wanted only control of releases in that clause, not elimination. They told us that. They were quite above board.

Second, although the goal of virtual elimination is contained in proposed section 65.1 — and I apologize for being technical for those who have not had the pleasure of going through the 356 clauses of the bill — all of the implementing provisions were changed to refer back to subclause 65(3), which deals with releases only — that is, interim goals. Therefore, clause 65.1 is effectively irrelevant. This is why the Department of the Environment internal memo, leaked to our committee, says that replacing “virtual elimination” with the words “implementation of subsection 65(3)” would make virtual elimination impossible.

In order for the minister to use subclause 93(1)(l), which is another of the tools to ban substances, a substance would first have to be determined to be toxic to be placed on the priority substances list. This presents problems because the concept of inherent toxicity or hazard assessment in subclause 77(3) was also changed as a result of industry pressure. Extensive amounts of data are required to conduct a full risk assessment, and this is not possible for some of the very dangerous substances, such as endocrine disrupters. For 13 substances on the first priority

substances list, the assessment could not be completed for this reason.

In summary, for the benefit of Senator Hays, the changes made to this bill with regard to virtual elimination negate a key goal of CEPA, which is pollution prevention, because the focus is on controlling the amount of pollution rather than preventing or avoiding the use and generation of these substances in the first place.

Senator Ghitter has already read into the record the words of the Red Book that contradict what is before us in this bill. They talk about managing and controlling pollution and they talk about timetables. I will not repeat them. They express very well what those of us on this side would like to see happen to Bill C-32.

We also agree with the 1993 Red Book where it states that:

Manufacturing innovations are needed to avoid the use or creation of pollutants in the first place; for example, through raw material substitution or closed-loop processes that recycle chemicals within the plant.

• (1750)

We saw firsthand the pulp and paper industry's response to regulation of effluent during our Agriculture Committee's study of the boreal forest, and it was encouraging. We saw a mill in Saskatchewan that had no effluent at all. It attracted customers from Europe because it was a closed-loop process. We heard from industry officials everywhere about the progress that had been made since those regulations were put in place and industry was given time to adapt.

We believe that this country should be moving in the direction of phasing out the most harmful substances — those that are persistent, bioaccumulative, and still in use today — and the bill's preamble should reflect that idea by reverting to the wording that was drafted by the House of Commons committee.

At that point, it was clear that phase-out was the goal for those man-made substances that present the worst problems. We need to stop using them and producing them as by-products. There are not many of them. Just a dozen have been identified. Industry stopped using most of them years ago. No government had to ban them or phase them out. Industry developed replacement chemicals that are not as harmful. We should send a message to industry that the rest of them should be phased out, too, and they ought to work on finding replacements.

At report stage, this concept was removed, and the operational sections of the bill were altered. They were altered, as the leaked memo told us, to make virtual elimination unworkable and because of industry pressure. Already we have seen the impact of that change. Canada sent a delegation to last week's United Nations meeting in Geneva aiming for a global treaty on

persistent organic pollutants. The Canadian delegation was among the very few that advocated risk management — that is, just controlling them. They did so knowing that only a phase-out or a ban can protect northern Canadians, as we were told by the Inuit Tapirisat.

The Inuit Tapirisat of Canada told our committee that up to 65 per cent of women in the North tested for PCBs in the blood had levels five times greater than Health Canada's level of concern. These and other hormone-mimicking chemicals are in their blood and in body fat because the food they eat is contaminated by pollution. It is as simple as that.

I also wish to raise —

The Hon. the Speaker: Honourable Senator Spivak, I regret to interrupt you, but your 15-minute speaking period has expired. Are you requesting leave?

Senator Spivak: Yes.

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

Senator Spivak: I also want to raise, with amendment, another important matter that until recently has been a sleeper in the public debate. I refer to those sections of the bill that refer to the regulation of products of biotechnology and their potential impact on health and the environment. In addition to Part 6 of the bill, references can be found in the preamble, in the administrative duties section of the bill, and in a seemingly innocuous section buried deep in the back of the bill, namely, clause 347. Many of these sections were changed at report stage in the other place. I wish to set out what is at stake.

Unlike the countries of Europe, Canada has made an enormous commitment to commercialized biotechnology — this very new business of taking genes from one plant or animal and randomly inserting them, along with viruses, antibiotic-resistant genes and bacteria, into another plant or animal to produce a new product that consumers are expected to purchase. This is a new kind of biotechnology. This is not the traditional breeding that we have had for years. It breaches the walls of species.

Governments have been making a large investment in biotechnology. Since 1994, Agriculture and Agri-Food Canada and its Canadian Food Inspection Agency alone have contributed tens of millions of dollars to joint research in biotechnology.

As we heard last year, Health Canada is expecting a 200 to 500 per cent increase in the number of products that companies will ask it to assess for human safety. Among other things, biotechnology firms are developing the capacity to produce foods that carry vaccine, and it is not clear whether this is an unmitigated good or whether there will be unintended consequences.

Corporations also hold patents on technology that stops plants from reproducing. The terminator gene, as it is commonly known, would prevent farmers from saving their seed from one crop year to the next. There is not much disagreement that it is a bad thing for everyone except the corporation that controls the technology. Of course, it would be a very bad thing for Third World countries.

Debate in Europe over biotechnology has been intense. Consumers, major food retailers, and importers are now saying they do not want biotechnology altering their food, and they do not want to buy the genetically engineered crops grown in our country or in the United States. We will most certainly have a debate in this country on this very topic.

I will not attempt to address all the health and environmental concerns raised by biotechnology. To give you a few, we do know that genetically engineered products can be toxic. In fact, one of the first of them, L-tryptophan, a common dietary supplement, killed 37 people in the United States in 1989 and left more than 5,000 others with a painful blood disorder before it was pulled from the market. We know that there is uncertainty and controversy over whether some foods now on the market pose a health hazard. In Britain, a highly reputable British scientist went public with his findings.

We know that transferring genes between species can be a particular problem for people who suffer allergies. We know that pollen from genetically engineered crops can travel for miles and pollute the fields of organic farmers. It is happening everywhere from Texas to Saskatchewan. Organic farmers are concerned that their produce cannot be certified.

We know that pollen from genetically engineered Bt corn harms Monarch butterflies. That study came out of Cornell University.

We know that weeds can cross pollinate with some of the genetically engineered crops. We may be inadvertently developing super-weeds that will be difficult to control because they carry a resistance to herbicides that corporations engineered into crops.

The existing Canadian Environmental Protection Act was the first and only time Parliament had spoken directly to the question of how products of biotechnology are to be regulated in Canada. The statutes that we have now require that producers of all biotechnology products notify the government and subject the products to an assessment for toxicity before putting them on the market. This existing law allows other legislation to regulate biotechnology products too, but only if the process is as stringent as the CEPA process.

Regulations under the Seeds Act, Fertilizers Act and Feeds Act came into force in April 1997, although public interest groups commented that they were not as stringent as regulations proposed under CEPA, in particular in evaluating potential impacts on human health.

The House of Commons environment committee has set out its position on biotechnology three times in recent years. It recommended strengthening the act by requiring minimum notification standards for all products, including those regulated under other acts. The government response a few months later proposed to eliminate the requirement that all products be assessed or that other acts needed to be as stringent as the CEPA.

If we pass Bill C-32 unamended, we will be drastically reducing what little authority Environment Canada or Health Canada now has to even assess whether the products of biotechnology could harm the environment or human health. Parliament will not now be requiring stringent assessments and will be shutting the door on any review or legal challenge of cabinet's determination. If cabinet rules that other regulations are equivalent, that will be conclusive proof.

At report stage, any suggestion that there may be any adverse effects to products of biotechnology was removed and in its place the government created the administrative duty to ensure the safe and effective use of biotechnology. That is a different thing, because biotechnology may affect bio-diversity. The notion of efficacy — that a product will do what its manufacturer says it will do — seems strangely out of place in an environmental protection bill. Does that mean that the government will share liability when those who use biotechnology products discover that manufacturers have exaggerated the benefits? I hope not, although farmers in the U.S. are seeking legal remedies after seeing lower yields in their crops than corporate ads told them they would get.

A report stage amendment also took out of the hands of the Ministers of Health and Environment the decision on whether other regulations flowing from the act are sufficient. Cabinet now has that authority. As the Auditor General pointed out, there is a great deal of controversy between different departments as to what is toxic. There is a great deal of infighting going on.

• (1800)

Among the several groups that strenuously urged us to revert to the House of Commons committee version of the bill was the Canadian Health Coalition, a non-profit organization. They reminded us of what Justice Krever had to say in his report on the inquiry into tainted blood. He said:

The relationship between a regulator and the regulated —

The Hon. the Speaker: Honourable senators, it is six o'clock.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, it is my understanding that there is unanimous agreement that we will not see the clock.

The Hon. the Speaker: Is it agreed, honourable senators, that I not see the clock?

Hon. Senators: Agreed.

Senator Spivak: Justice Krever stated:

The relationship between a regulator and the regulated...must never become one in which the regulator loses sight of the principle that it regulates only in the public interest and not in the interest of the regulated.

This group and others began to pay more attention to Bill C-32 after regulations appeared in *The Canada Gazette* on July 3, proposing the rules for environmental assessments of all foods, drugs, cosmetics and medical devices produced by biotechnology. Health Canada proposed those regulations, citing the authority of a new provision of the Food and Drugs Act that has not yet been approved by Parliament. It has not yet been approved by Parliament because it is found in clause 347 of this bill. The government acted prematurely. Health Canada closed the comment period on these regulations last month, well before the bill was out of committee. This is a most unusual procedure.

Health Canada's proposed regulations suggest a process less stringent than CEPA's requirements. Worse still, under the guise of a single-window approach, the department admits it will be handing over to the Canadian Food Inspection Agency the task of assessing all genetically engineered plants and animals for their environmental impact. Health Canada will assess the health aspects.

The Canadian Food Inspection Agency is under the auspices of the Department of Agriculture. We now have two departments doing what one department, the Department of the Environment, should do.

Bill C-32 is an extraordinary bill. Not only will it impact all living Canadians and those not yet born, in whatever region they inhabit — the Prairies, the Atlantic region, or the North — but it will also have global implications. This legislation affects many treaties. Some of those treaties are legally binding on Canada, and this legislation will not fulfil our obligations.

This bill is dangerous by design, as some have said. It dismantles the regulatory framework of the existing act, nowhere as starkly as in the regulation of new and largely untested foods.

In addition to returning Bill C-32 to the House of Commons committee version on biotechnology sections, I would like to see clause 347 deleted or delayed until Canadians have had the full-blown debate on biotechnology that has taken place in other countries.

MOTIONS IN AMENDMENT

Hon. Mira Spivak: Honourable senators, I have three pages of amendments which deal with the preamble, clauses 2, 65, 77, 79, 91, 106, 115, 347; and pages 1, 2, 4, 39, 49, 51, 52, 64, 79, 87 and 220. I will have these amendments, in both French and English, distributed in order that senators may read them.

Honourable senators, is it necessary that I read each amendment into the record?

The Hon. the Speaker: Honourable senators, is it agreed that the amendments need not be read?

Hon. Sharon Carstairs (Deputy Leader of the Government): That is agreeable, provided the amendments are distributed to all senators, and that we have time to study them before we vote on them, which I understand we will have.

The Hon. the Speaker: It is moved by the Honourable Senator Spivak, seconded by the Honourable Senator Cochrane:

That Bill C-32 be not now read a third time but that it be amended —

Some Hon. Senators: Dispense.

The Hon. the Speaker: Shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, as Senator Spivak has indicated in her excellent presentation, we are dealing with a very complex piece of legislation. The amendments that the Honourable Senator Spivak has just presented will require a fair amount of time to analyze. We will do our best but, in light of that, I move the adjournment of the debate.

On motion of Senator Kinsella, debate adjourned.

MOTION FOR ALLOTMENT OF TIME
FOR DEBATE ADOPTED ON DIVISION

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, there have been discussions with the opposition about allocating a specified number of hours for debate on third reading of Bill C-32. Unfortunately, we have not been able to reach a mutually satisfactory agreement and, consequently, honourable senators, I give notice that tomorrow, September 14, 1999, or with leave now, I will move:

That, pursuant to rule 39, not more than a further six hours of debate be allocated to dispose of third reading of Bill C-32, an act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development;

That when debate comes to an end, or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the

Senate and put forthwith and successively every question necessary to dispose of the third reading of said bill;

That any recorded vote or votes on the said question be taken in accordance with the provisions of rule 39(4).

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

Senator Carstairs: Honourable senators, I believe that there is agreement on both sides of the chamber that we now return to debate on Bill C-32 under the time allocated by my motion.

The Hon. the Speaker: Is there agreement, honourable senators?

Some Hon. Senators: Agreed.

Hon. Marcel Prud'homme: Just a minute.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, as indicated by the result of the vote that we had a few moments ago, we on this side find it regrettable that the government side will use its power to invoke closure on a very complex piece of legislation. However, they have indicated that they are prepared to do so. As a number of senators on this side wish to speak to Bill C-32, I suggest that we hear from those senators before concluding this matter. I believe that Senators Cochrane and Buchanan, in particular, would like to speak.

The Hon. the Speaker: Honourable senators, I saw Senator Prud'homme rise.

[Translation]

Senator Prud'homme: Honourable senators, we have just agreed to three hours of debate.

[English]

However, prior to that we had agreed that the amendments of Senator Spivak would be distributed. We cannot conclude the debate without seeing the amendments on which we are to vote. I hope that we will do a better job than they did in the House of Commons, where the door was slammed on the amendments.

I do not oppose the agreement which has been reached. Senator Carstairs informed me of it. However, I hope to see the amendments before we conclude the debate on Bill C-32.

The Hon. the Speaker: Honourable senators, the printed copies of the amendments that I received from Senator Spivak were immediately sent out for photocopying. They should be back soon. We need to make enough copies for all honourable senators.

Senator Carstairs: Honourable senators, it may facilitate the process if, instead of voting on Senator Spivak's amendments and then waiting to hear from Senators Cochrane and Buchanan, we allow those senators to proceed with their remarks. As each one speaks, if they have further amendments, those amendments will be distributed. Once every senator has completed his or her remarks, and once every senator has a copy of the amendments, we will then have all the votes on all the amendments at the same time. I say that, honourable senators, with the proviso that it is agreed to by both sides.

• (1810)

Hon. Lowell Murray: Honourable senators, I do not want to come between any agreement that has been made between the leaders of the government and the opposition. However, I should like to re-cap the situation in which we find ourselves because I think we have missed a step, have we not?

I heard the Deputy Leader of the Government give notice of a motion for time allocation. In the course of giving that notice, she allowed as how, with leave, we could proceed with the motion now rather than 24 hours hence. If leave were granted, as I assume it was, I did not hear the motion put. I would like at least to have the opportunity of saying in a loud, clear voice, "Nay." That is all I ask, when the motion is put, as it should be.

The Hon. the Speaker: Honourable senators, I must confess that the procedure is somewhat different from that which we usually work with in this place.

Is it my understanding that, when Senator Carstairs asked for leave, she would then put the motion? If that is the case, then I would be prepared to hear Senator Carstairs actually put the motion. We would then be back with what the Honourable Senator Kinsella said, that is, that he wished to adjourn the debate, but with the motion being put we could then go back to debate on the main motion.

Senator Carstairs: Honourable senators, I move the motion standing in my name.

The Hon. the Speaker: With leave of the Senate, it has been moved by the Honourable Senator Carstairs, seconded by the Honourable Senator Perrault:

That pursuant to rule 39 not more than a further six hours of debate —

Senator Carstairs: Dispense.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Will all those honourable senators in favour of the motion please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Will all those honourable senators opposed to the motion please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the "yeas" have it.

Senator Murray: On division.

Motion agreed to, on division.

THIRD READING—MOTIONS IN AMENDMENT

Resuming debate on the motion of the Honourable Senator Taylor, seconded by the Honourable Senator Finnerty, for the third reading of Bill C-32, respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development.

And on the motion in amendment by the Honourable Senator Spivak, seconded by the Honourable Senator Cochrane:

That Bill C-32 be not now read a third time but that it be amended

(a) in the Preamble,

(i) on page 1, by replacing line 19 with the following:

"knowledge the need to phase out the generation and use of the";

(ii) on page 2, by replacing lines 44 to 47 with the following:

"versity through pollution prevention and the control and management of any adverse effects of the use and release of toxic substances, products of biotechnology, pollutants and other wastes, and the virtual", and

(iii) on page 3, by deleting lines 1 to 5;

(b) in clause 2, on page 4,

(i) by replacing lines 17 to 19 with the following:

"from any adverse effects of the use and release of toxic substances, products of biotechnology, pollutants and other wastes"; and

(ii) by deleting lines 20 to 23;

(c) in clause 65, on page 39, by replacing lines 31 to 33 with the following:

“(3) When taking steps to achieve the virtual elimination of a substance, the Ministers”;

(d) in clause 77, on page 49,

i) by replacing lines 7 and 8 with the following:

“subsection (4), virtual elimination.”, and

ii) by replacing lines 38 to 40 with the following:

“the Ministers shall propose virtual elimination of the substance under this Act.”;

(e) in clause 79,

(i) on page 51, by replacing lines 40 to 42 with the following:

“sure, as confirmed or amended, is virtual elimination in respect of a substance, the”, and

(ii) on page 52, by replacing lines 4 to 6 with the following:

“proposed actions in respect of virtual elimination of the substance in relation”;

(f) in clause 91, on page 64,

(i) by replacing lines 8 and 9 with the following:

“Ministers is virtual elimination shall spec-”, and

(ii) by replacing lines 27 and 28 with the following:

“with respect to virtual elimination and sum-”;

(g) in clause 106, on page 79,

(i) by replacing lines 16 and 17 with the following:

“this section, the Minister and, where appropriate, the Minister of Health is responsible for determining”,

(ii) by replacing lines 22 to 34 with the following:

“(a) if the Minister and, where appropriate, the Minister of Health, determine that the requirements referred to in paragraph (6)(a) are met by or under an Act of Parliament referred to in that paragraph, or regulations made under that Act, the Minister and, where appropriate, the Minister of Health may by order add to Schedule 4 the name of that Act or those regulations, as the case may be; and,

(b) if the Minister and, where appropriate, the Minister of Health, determine”, and

(iii) by replacing line 38 with the following:

“in Schedule 4, the Minister and, where appropriate, the Minister of Health may”;

(h) in clause 115, on page 87, by replacing lines 24 to 27 with the following:

“Parliament that in the opinion of the Minister or, where appropriate, the Minister of Health provides for

(a) notice to be given before the manufacture, import or sale of the living organism;

(b) an assessment of whether the living organism is toxic or capable of becoming toxic; and

(c) the regulation or control of any potential risks to the environment, or its biological diversity, and human health, identified by that assessment.”; and

(i) in clause 347,

(i) on page 220, by deleting the heading preceding line 5 and lines 5 to 13, and

(ii) by renumbering clauses 348 to 355.1 as clauses 347 to 355 and any cross-references thereto accordingly.

The Hon. the Speaker: Honourable senators, we are now back to debate on Bill C-32.

Are there other senators who wish to speak?

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, His Honour is quite right, we are certainly rewriting the rule book now. I thought that now that we have leave we are into the debate on the notice of motion.

Senator Murray: It was passed.

Senator Lynch-Staunton: The notice of motion has been passed. I think Senator Murray is quite right. What did we pass?

The Hon. the Speaker: The time allocation motion has now passed. That is on what I called for the “yeas” and “nays.” It has now passed. I understand that, by agreement, it is the wish of the Senate to return to the debate on Bill C-32, on which there are a number of speakers ready with further amendments. That is my understanding of the status of things.

Senator Lynch-Staunton: How much time do we have to debate?

The Hon. the Speaker: Six hours.

Senator Lynch-Staunton: After six hours of debates, will all the questions be put?

The Hon. the Speaker: Yes. After six hours of debate, by the decision of the Senate, I am forced to stop the debate and put each question before us. There could be a number of amendments, I understand. Each of them would have to be dealt with at that time.

Is that as clear as it can be, honourable senators?

Hon. Marcel Prud'homme: Honourable senators, there are many new senators, as well as some older ones who are in the same position as the new senators, who would like to know exactly what is going on.

Will all six hours of debate be taking place tonight?

Hon. Sharon Carstairs (Deputy Leader of the Government): Yes.

Senator Prud'homme: That means that we will not adjourn until we have disposed, one way or another, of all the amendments, and that thereafter there will be a series of votes. Is that what we should all understand?

It would be preferable if these agreements were better explained. I will speak now as if I were a new senator: Everyone wants to understand what is going on. Now that there is a motion before us, it must be understood for how long it will be before us. We know that it is for at least six hours and no more, but it could be shorter.

The question I must ask is this: Does the debate have to finish tonight?

The Hon. the Speaker: Yes, this debate will finish tonight.

Senator Prud'homme: When will the vote take place?

The Hon. the Speaker: If there is a shortage of speakers and we go for only two hours, then I will call for the vote. However, it cannot go beyond six hours.

At the end of six hours, if there are still senators who wish to speak, I have no choice but to put all the questions that are before the Senate at that time.

Senator Prud'homme: Honourable senators, after the six hours has elapsed or after all senators who wish to speak on the motion have spoken, His Honour must call for the vote. Is it possible to know now if it is the intention of the whip on either side to postpone the vote, as the rules allow, until tomorrow at a certain hour?

Senator Carstairs: We cannot.

Senator Prud'homme: Or does Your Honour intend to call the vote after the six hours of debate? Honourable senators will have to know that the proceedings could continue until at least 12:15; or, by agreement, the votes could go postponed until a

certain time tomorrow. I am in His Honour's hands, Your Honour. I am trying to be accommodating and understanding.

The Hon. the Speaker: Honourable senators, I have no idea how many speakers there are to speak to the motion. The Honourable Senator Kinsella gave two names and indicated that there would be further amendments. I have no idea what other speakers there might be. That is all I can tell the honourable senator. The debate cannot go more than six hours in any case.

Senator Prud'homme: If there are only two speeches remaining, and if they are within the six-hour time frame, and there are amendments, we will not see the amendments. The amendments will only be put to the Senate. I like to proceed in an orderly fashion, which is why we are in the Senate. Haste never produces good legislation. That is something we must avoid.

In order to avoid that, we would like to see the amendments before this series of votes will take place. That is all I am asking. I think it is much more reasonable than what took place in the House of Commons where everything was rushed in committee. We in the Senate are here not to take too much time but to know, in an orderly fashion, exactly what is taking place.

Senator Carstairs: Honourable senators, perhaps we can clarify this. I agree that it is very muddy.

Perhaps we could have the agreement of the chamber that no vote will be taken sooner than one-half hour following distribution of any amendments. Senator Spivak's amendments are now being distributed. My understanding is that other senators might have amendments. Following distribution of those amendments, if we then had half an hour, which would be the normal time for the ringing of the bells, would that satisfy Senator Prud'homme that we have proceeded in a way that has allowed every senator access to the amendments?

Senator Prud'homme: Honourable senators, may I say that Senator Prud'homme does not have to be satisfied. It is the Senate that should be satisfied.

• (1820)

The Hon. the Speaker: Honourable senators, as soon as I receive the amendments, the staff will take care of having them photocopied immediately. However, I cannot do that until I receive the amendments.

If there are honourable senators here who have amendments, and if they are prepared to have them photocopied, we can do that and have them distributed. That is up to each senator who has amendments to propose. I cannot do that. That might be a solution that those senators who wish to make amendments might entertain.

Senator Lynch-Staunton: I am starting to sympathize with His Honour's ruling on amendments, because we are just rewriting the rule book as we go along.

Let us be clear: The majority of the Senate has agreed that there be no more than six hours of debate on this bill. Whether or not the amendments are in front of everyone, the house order is clear: No more than six hours.

We hope that the amendments will be on the table, but the government decreed no more than six hours, whether or not the amendments are available. The majority in this chamber supported that position. That is where we stand now. I do not think that anything we can do, say or request should alter that. That is my position. The reason I was somewhat confused is that Senator Carstairs read the following:

Honourable senators, I give notice that tomorrow, September 14, 1999, but with leave now, I will move —

I think I know what she meant, but if she had simply said: With leave, I move that such and such, it would have been clearer. The date, September 14, should not have been there.

That is to help the Chair, which I like to do more often than most people realize.

The Hon. the Speaker: Honourable senators, I never had any doubt that that was always Senator Lynch-Staunton's intention.

Before Honourable Senator Cochrane proceeds, the Clerk has just pointed out a rule which we must consider. I refer to rule 39(7), which states:

When an Order of the Day has been called, to which a specified period of time has been allocated for its consideration, the same shall not be adjourned and no amendments thereto...

Therefore, I would need to have leave of the Senate to proceed with any amendments. I caution you now.

Senator Carstairs: His Honour is quite correct. Under the rules of the chamber, there cannot be any amendments. However, in the spirit of cooperation which seems to have been generated, this side certainly would give leave for Senator Cochrane to introduce any amendments, or any other senator to introduce any amendments, and that they could be voted on at the end of our completed debate on Bill C-32.

The Hon. the Speaker: Is it agreed, honourable senators, that rule 39(7) will be suspended as far as amendments are concerned?

Hon. Senators: Agreed.

Hon. Ethel Cochrane: Honourable senators, I should like to make a few remarks about this bill. I know that you have already heard from some of my colleagues on this side of the chamber about the shortcomings of this proposed legislation, and I share those reservations.

The committee hearings on this bill were cut short. We were allowed to hear only a limited number of witnesses, and then closure was imposed on the committee. The few witnesses whom we were allowed to hear delivered a clear message: No one is satisfied with Bill C-32.

Representatives of environmental organizations have told us that this bill falls well short of the stated goal of protecting the environment and human health. My colleagues have given you the details of those shortcomings. Representatives of some of the industries that will be affected by this legislation have explained to us that Bill C-32 will impose requirements on them that are neither realistic nor achievable.

Many spokesmen on both sides of this issue have told us that they prefer to live with the existing legislation. The Minister of the Environment also told our committee that he could live with the existing legislation.

In the face of this considerable opposition by both environmental and industry associates, and an attitude of indifference on the part of the minister, I find it difficult to understand this unseemly haste to pass Bill C-32. However, if the government is determined that this proposed legislation must be dealt with before we prorogue, then the least we can do is to make an effort to improve this legislation. I implore honourable senators to improve it.

During the limited and abbreviated hearings that our committee was allowed to hold, I was particularly impressed with two groups of witnesses who addressed the issue of the impact of the environment on the health of children. Legislation to protect the environment and human health must be directed at the health concerns of all Canadians. However, we must also recognize that children are especially vulnerable to health hazards. The representatives of the Canadian Institute of Child Health told our committee:

...especially young children, are a unique segment of our population who have a heightened vulnerability...

Children's ability to metabolize, detoxify and excrete many toxicants is different from that of adults. Exposures at critical periods of development, from conception to adolescence, can result in irreversible damage to growing nervous systems and affect emerging behaviour patterns, cause immune dysfunction, and have serious reproductive effects....

In addition to developmental and physiological differences, children's behaviours often place them at higher risks than adults to certain environmental hazards.

We also heard from Dr. Michele Brill-Edwards, from the Canadian Association of Physicians for the Environment. Dr. Brill-Edwards worked as a drug regulator for 15 years at Health Canada, and for four years she was the senior physician responsible for approval of prescription drugs in Canada.

Her association is very concerned about potential environmental effects on children's health and, in particular, about leaving regulation of food products in the hands of the Department of Health. In her testimony to our committee, she said:

...this bill transfers the duty to conduct the assessment of environmental harm to another act, that is, the Food and Drugs Act. At least it anticipates the transfer of those duties... This means that the duty to assess environmental harm from biotechnology products, specifically foods, drugs, cosmetics and devices, will transfer to a department that is already under a huge black cloud...

I have the ominous feeling that we are repeating here, on environmental issues, the same mistakes that we should have learned were at the root of the blood scandal...

Honourable senators, I am concerned about the effects on our health of toxic waste and systematic pollution of the environment. I am especially concerned about the effects on the health of Canada's children.

As a parent, as a grandparent and a former teacher, I have spent a considerable part of my life supervising young children. I know from experience how difficult it can be to keep children away from playing in potentially dangerous areas. We are dealing here with dangers that cannot often be seen or identified.

The Canadian Institute of Child Health told our committee that there is a growing body of scientific evidence demonstrating that a wide array of child health problems can be brought on or exacerbated by environmental exposures. They talked about the growing incidence of asthma and deaths due to asthma among children, and about the extra school days that are missed due to exposure to second hand smoke.

They also talked about children who are affected by water pollution when they drink from or swim in contaminated lakes and rivers. I ask honourable senators: How do you prevent a child from going for a swim on a hot summer day? Inevitably, they will swallow some of that water. How do you know for sure that a lake beside a cottage is not contaminated?

The institute also reminded us that many children live within a few kilometres of — and some even on — former toxic waste dumps. We heard horror stories about it. We heard from the Dene band that lives on the shores of Great Bear Lake surrounded by contaminated tailings from a uranium mine. Their life expectancy and that of their children is lower than in the Dark Ages. Their children are ill and they have been sentenced to an early death.

• (1830)

We have all heard, honourable senators, about the Sydney tar ponds, perhaps the worst toxic dump in Canada; yet, hundreds of families live nearby, and inevitably their children go out to play.

They spend their week-days in schools days adjacent to all of this contamination.

Families everywhere do what they can to protect their children from harm. They take precautions and they warn them of the dangers, but there are limits to what parents and grandparents can do. There are unknown dangers with unknown effects that cannot be seen. As a society, we bear a great responsibility to do as much as we can to protect them against those dangers.

I agree with the Canadian Institute of Child Health that we definitely need more research into the effects of environmental hazards on the health of children, that we need to monitor and eliminate those hazards and the health interests of children, and that it would be desirable to establish an Office of Children's Environmental Health Protection. We can begin this process by improving the information-gathering provisions in Bill C-32 to reflect specific concerns about children's environmental health.

To return, in particular, to the issue of children's health, the Canadian Institute of Child Health warned us in their brief that there is a growing body of scientific evidence that demonstrates the wide array of child health problems that can be brought on or exacerbated by environmental exposures. The institute offered a number of examples, including the increasing incidence of asthma, as I said before.

Honourable senators, as I agree with the Canadian Institute of Child Health and what they have suggested and the amendments they have put forth, I should like to add and include the amendments they have suggested.

MOTIONS IN AMENDMENT

Hon. Ethel Cochrane: Therefore, honourable senators, I move:

That Bill C-32 be not now read a third time but that it be amended

(a) in the preamble, on page 2, by adding after line 34 the following:

"Whereas the Government of Canada recognizes the special susceptibility of children and the need to protect them by implying a margin of safety in the environment and health legislation;";

(b) by adding, on page 16, the following after line 8:

"Children's Environmental Health Protection Commission

10.1 (1) There is hereby established a commission to be known as the Children's Environmental Health Protection Commission consisting of a Commissioner, a Deputy Commissioner and such other members as are from time to time appointed by the Governor in Council.

(2) The Governor in Council shall appoint as members of the Commission persons who have knowledge and experience in children's environmental health protection issues.

(3) The Commissioner and the Deputy Commissioner are each full-time members of the Commission and the other members may be appointed as full-time or part-time members.

(4) A member of the Commission shall be appointed to hold office during good behaviour for a term not exceeding 5 years and may be removed for cause by the Governor in Council.

(5) A member of the Commission is eligible to be re-appointed on the expiration of the first or subsequent term of office.

(6) The objects of the Commission include

(a) to determine the existing body of knowledge and identify key environment gaps in children's environmental health issues;

(b) to ensure that current scientific information is peer-reviewed and widely disseminated;

(c) to identify opportunities for coordination with branches of Government, including the Department of Justice and Agriculture Canada;

(d) to ensure that all current and future health and environment standards protect children, with an adequate margin of safety;

(e) to develop and use separate assessments of risk to children and adults;

(f) to identify environmental pollutants commonly used or found in areas that are accessible to children; and

(g) to establish guidelines to help reduce and eliminate exposure of children to environmental pollutants in areas accessible to children.

As well, honourable senators, I move:

That Bill C-32 be not now read a third time but that it be amended

(a) in clause 44, on page 28, by adding the following after line 24:

"(5) The Ministers shall conduct research or studies relating to a safer environment for children, including information regarding the following:

(a) identify environmental contaminants commonly used or found in areas that are accessible to children;

(b) create a scientifically peer-reviewed list of substances (environmental contaminants) identified under (a) with known, probable, or suspected health risks to children;

(c) create a scientifically peer-reviewed list of safer-for-children substances and products recommended by the Ministers, or the Governor in Council, for use in areas that are accessible to children to minimize potential risks to children from exposure to environmental contaminants;

(d) establish guidelines to help reduce and eliminate exposure of children to environmental contaminants in areas accessible to children, including advice on how to establish an integrated environmental contaminant reduction program;

(e) create a right-to-know information kit that includes a summary of helpful guidance to families, such as the information created under (c), the guidelines established under (d), information on the potential health effects of environmental contaminants, practical suggestions on how parents may reduce their children's exposure to environmental contaminants, and other relevant information as determined by the Ministers, or the Governor in Council;

(f) make all information created pursuant to this subsection available to federal, provincial, territorial and aboriginal governments and the public; and

(g) review and update the list created under (b) and (c) at least every five years.

Hon. Fernand Robichaud (The Hon. the Acting Speaker): Honourable senators, it was moved by the Honourable Senator Taylor, seconded by the Honourable Senator Finnerty, that the bill be read a third time now, and it was moved by Senator Cochrane, seconded by Senator Roberston, that Bill C-32 be amended —

Senator Carstairs: Dispense!

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, I am pleased to speak today during the debate on third reading of Bill C-32, the purpose of which is to amend the Canadian Environmental Protection Act in order to give priority to pollution prevention.

My speech will touch on the thorny issue of respect and recognition of the rights of aboriginal peoples in the provisions of this bill. I shall also be introducing an amendment aimed at having Bill C-32 respect the ancestral rights of the Métis people, and another which attempts to clarify the French and English versions of one of the whereas sections of the preamble which addresses the precautionary principle.

As honourable senators are aware, the aboriginal peoples constitute an important part of our population, our history and our cultural tradition. According to the last major Statistics Canada census, in 1996, there were more than 799,000 aboriginal people in Canada. Of that number, more than 554,000 were identified as North American Indian, more than 210,000 as Métis, and more than 42,000 as Inuit.

In the past few decades, the ancestral rights of this population have been recognized in a number of statutes. The most important was the adoption of subsection 35(1) of the Constitution Act, 1982, which recognized and confirmed the existing rights of aboriginal peoples, whether ancestral or treaty-related. It is important to specify that this recognition included existing rights or treaty rights. It is important to specify that this recognition included rights that existed by way of land claims agreements or might be so acquired. Subsection 35(2) defined aboriginal peoples as the Indian, Inuit, and Métis peoples of Canada.

Honourable senators, Bill C-32 contains numerous provisions which, according to the federal government, are designed to recognize and ensure respect for the ancestral rights guaranteed aboriginal peoples with respect to treaties concluded between the federal government and certain aboriginal communities, such as the right to manage lands, the right to self-determination, and so on, and with respect to the provisions of section 35 of the Constitution Act, 1982 and the provisions of the Indian Act. The following are the main provisions in this bill that concern aboriginal peoples.

First of all, the preamble to the bill stipulates that the federal government recognizes the importance of endeavouring, in cooperation with provinces, territories and aboriginal peoples, to achieve the highest level of environmental quality for all Canadians and ultimately contribute to sustainable development. In addition, the preamble recognizes the integral role of science, as well as the role of traditional aboriginal knowledge, in the process of making decisions relating to the protection of the environment and human health. It also recognizes that environmental or health risks and social, economic and technical matters are to be considered in that process.

This objective appears again in the administrative duties clause of Bill C-32. This clause mentions that it is important to apply knowledge, including traditional aboriginal knowledge, science and technology, to identify and resolve environmental problems.

With a view to enabling this national action to be carried out and taking cooperative action in matters affecting the

environment and for the purpose of avoiding duplication in regulatory activity among governments, Bill C-32 gives the minister the authority to establish a National Advisory Committee to advise the federal and provincial ministers on regulations proposed to be made under the Act, on a cooperative, coordinated intergovernmental approach for the management of toxic substances, and on other environmental matters that are of mutual interest to the Government of Canada and other governments. According to clause 6(2) of Bill C-32, the committee shall consist, among others, of not more than six representatives of aboriginal governments to be selected as follows: one for all aboriginal governments in Newfoundland, Prince Edward Island, Nova Scotia and New Brunswick, one for all aboriginal governments in Quebec, one for all aboriginal governments in Ontario, one for all aboriginal governments in Manitoba, Saskatchewan and Alberta, the Northwest Territories and Nunavut, one for all aboriginal governments in British Columbia and the Yukon Territory, and finally one for all Inuit aboriginal governments.

These representatives will be selected by the aboriginal governments of each region I have listed, or by the Inuit governments.

These new provisions were very well received by the majority of aboriginal rights groups. They considered these changes necessary in order to ensure that their ancestral rights would be respected in future when federal and provincial environmental policies were being drawn up.

Honourable senators, with these provisions, the federal government felt it had acquitted itself well in responding to aboriginal concerns relating to having a say in the process of drafting environmental policy with potential impact on the development of the ecosystems in which they live. As well, it seemed sure they would be in agreement with the new provisions in Bill C-49 and section 35 of the Constitution Act, 1982.

However, during the hearings of the Energy, Environment and Natural Resources Committee, this past August 24 through September 1, several aboriginal rights organizations made it clear to us that this bill would do no more than the old one when it came to protecting the environment in which they live and their traditional way of life. They were also quick to question the constitutionality of the provisions relating to striking a national advisory committee intended, in theory, to foster the respect of their rights and their involvement in the process of preparing new environmental policies in coming years.

Having listened carefully to the testimony of representatives of Manitoba Keewatinow Okimakanak, a group representing 47,000 members and 27 band councils, of the Métis National Council, representing more than 300 Métis communities in Canada, of the Inuit Circumpolar Conference of Canada, of the group Nunavut Tungavik Incorporation, representing the interests of the Nunavut Inuit, and of the Canadian Environmental Law Association, I believe that these associations had two reasons to reach such a conclusion.

First of all, you are undoubtedly aware of the many pollution problems in Canada's arctic and subarctic regions, where a large number of aboriginal communities are concentrated. As you know, this pollution comes from Russia, the United States and Europe. To a lesser extent, it is the result of the recent extension of industrial activities in Canada's north for the purpose of extracting natural resources, such as minerals and oil.

As all the groups I mentioned earlier have very clearly shown, it is obvious that this pollution has serious repercussions on the food chain in the Far North. It also affects the traditional activities of these communities, as the Inuit Circumpolar Conference of Canada has pointed out, given — and Senator Spivak referred to this earlier — the quantity of traditional foods consumed by the Inuit. In October 1997, a study showed that 59 per cent of Inuit women in Kivalliq in the District of Keewatin, and 65 per cent of Inuit women in Qikiqatani in the District of Baffin, had levels of polychlorinated biphenyls, or PCBs, in their blood that were five times the level considered critical by Health Canada. In addition to having an important impact on the health of aboriginal communities, it also has repercussions that will carry on through several generations. Aboriginal peoples must therefore reduce their consumption of traditional foods such as caribou and fish, which affects their traditional activities and way of life.

With respect to responsibility for pollution and the terrible repercussions on aboriginal peoples in the Far North, it is interesting to note that the Manitoba Keewatinow Okimakanak, as well as the Inuit Circumpolar Conference of Canada and the Métis National Council, identify the federal government as being responsible for this situation, along with industry and foreign countries.

According to Michael Anderson, a researcher for the Manitoba Keewatinow Okimakanak, and I quote:

[English]

The MKO First Nations have observed that governments and resource developers view the north as a resource hinterland where standards for environmental protection are applied differently than they would be in the south, and where the rights, interests and lands of First Nations have been swept aside, literally, to facilitate major resource development and extraction. More recently, even in the face of obvious and significant threats to environmental quality and human health in this region, the Government of Canada has often appeared immobilized in the face of provincial and corporate resistance to any federal intervention in environmental matters, particularly with regard to the protection of northern environments and First Nations peoples south of the 60th parallel.

[Translation]

According to Michael Anderson and the officials representing the other groups, in that sense, the federal government did not

fulfil its constitutional obligations toward aboriginal people, and Mr. Anderson does not think that Bill C-32 will improve the situation in the medium term.

Second, according to the Métis National Council, the bill totally ignores the existence of their aboriginal rights. Yet, these rights are recognized in subsection 35(2) of the Constitution Act, 1982. This is because of the definitions found in the act.

• (1850)

Under Bill C-32, "aboriginal government" means a governing body that is established by or under or operating under an agreement between Her Majesty in right of Canada and aboriginal people and that is empowered to enact laws respecting the protection of the environment. At first, this definition seems to include most band councils that are responsible for administering aboriginal reserves, or aboriginal governments that were established following the signing of the agreement on aboriginal land management and self-determination for certain Amerindian or Inuit communities.

As for "aboriginal land," it is defined as the reserves, surrendered lands and any other lands that are set apart for the use and benefit of a band and that are subject to the Indian Act; land, including any water, that is subject to a comprehensive or specific claim agreement, or a self-government agreement, between the Government of Canada and aboriginal people where title remains with Her Majesty in right of Canada; and air and all layers of the atmosphere above and the subsurface below land mentioned above.

Honourable senators, it is important to point out that these two definitions apply to aboriginal governments that will elect their six aboriginal representatives to the national advisory board to be established by the minister. They also apply to determine which community will be eligible to sit on the committee.

Two of the groups, the Métis National Council, and the group Manitoba Keewatinow Okimakanak, voiced their concerns on the impact these definitions would have on their involvement in the committee member selection process the creation of their own environmental protection program. In large part, their concerns relate to the new provisions in Bill C-49, the First Nations Land Management Act we looked at last spring. As you know, that bill was drafted for 14 First Nations, subsequent to the signature of the Framework Agreement on First Nation Land Management with the federal government. The provisions of that bill were aimed at enhancing First Nation involvement in land management, both in improving the economic development on reserves and in expanding aboriginal self-government initiatives.

To that end, Bill C-49 would allow the 14 First Nations affected by the agreement to establish an environmental assessment and protection system. According to the bill, these will be harmonized with federal and provincial environmental programs.

You will conclude, as I did, that 14 First Nations is not a large number. However, according to Manitoba Keewatinowi Okimakanak, the provisions relating to the operations of the advisory committee are so vague as to suggest that only those 14 First Nations affected by Bill C-49 will be eligible to sit on the Committee and to take part in selecting the six representatives.

As for the Métis National Council, it stated that these two definitions, coupled with the provisions of Bill C-49, mean that the Métis will have no forum with the federal government, as is the case at this time, in order to take part in the various aspects of development of Canadian environmental policy. As I have said, subsection 35(2) of the Constitution Act, 1982 defined aboriginal peoples as the Indians, Inuit and Métis of Canada. However, the Métis are not recognized as an aboriginal people with a defined territory as are most of the Amerindian or Inuit communities of Canada. Under the new legislation, the provisions apply with respect to aboriginal lands. This includes the reserves and their adjacent lands as defined in the Indian Act and lands handed over to aboriginal communities in connection with self-government and land management agreements, as is the case with Bill C-49.

Honourable senators, the result is that, in many areas, the Métis are not recognized as having a role in managing the environment of the land on which they live. This non-recognition is now causing problems in northern Saskatchewan, where there is a large Métis population. These people would like to be consulted in the same way as other aboriginal communities, which are being consulted by the federal government in the plans for storage of radioactive waste in this region.

In addition, the Métis National Council is attempting to establish an environmental network so that Métis can obtain information about pollution problems and the ecosystems on Métis lands. It would also like to train personnel so that they can use the information they have collected in their research and through their traditional knowledge of these areas to ensure the protection of these ecosystems.

But since the Métis are not recognized by the federal government as an aboriginal people with its own land, they will not have the benefit of the federal government's financial and technical support. In fact, according to the Métis National Council and the Manitoba Keewatinowi Okimakanak, it would appear that only the native governments included in Bill C-49 will be able to establish environmental management programs in cooperation with the federal and provincial governments. In general, it is clear that the Métis and their traditional lands were left out of Bill C-32.

Honourable senators, this oversight by the federal government will mean that the Métis will not even be able to take part in the process to select the six aboriginal members of the board, because the Métis National Council is not recognized as an aboriginal government and has no land as defined in the Indian Act. When you consider that there are 210,000 Métis in Canada

and that they have unique traditional knowledge about their ecosystems and the pollution problems affecting their community, this is unacceptable.

Parliament cannot overlook them. The federal government must meet its constitutional obligations, which require it to ensure respect for the ancestral rights of Métis, and not just Indians and Inuit, and therefore include them in the environmental policy development process.

This is why, after listening to the testimonies of the Métis National Council, I decided to table a motion to amend subsection 6(2) by adding that a Métis official shall be selected by the Métis National Council to sit on the national advisory committee. Officials from that association told us that they did not have any problems with the group making that choice, because the executive of that board is democratically elected by the Métis, and it is agreed that it is the only one representing the interests of Canadian Métis.

Honourable senators, I think that amendment will allow the federal government to meet its constitutional obligations toward this people, which was too often ignored when developing policies dealing with aboriginal community development, the environment and economic development.

• (1900)

This amendment will allow the Métis to participate in the harmonization of environmental policies in Canada, under a partnership with the provinces and the federal government.

According to Jody Pierce from the British Columbia Métis council, and I quote:

[English]

• (1900)

It is a fiduciary responsibility of the federal government to ensure that First Nations organizations have adequate resources to participate in these important environmental processes.

As a constitutionally recognized aboriginal people, the Métis must be given equal consideration and involvement in the consultation and development processes, along with First Nations and Inuit.

[Translation]

When Senator Chalifoux made her speech, I said that I would talk about the *Sparrow* case in my observations. I am now getting to that brief review.

The view that I just expressed is also shared by the Supreme Court of Canada.

In 1984, Ronald Edward Sparrow, an aboriginal from British Columbia, was charged under the Fisheries Act for fishing with a driftnet longer than that authorized under the Indian food fish licence delivered to the band of which he was a member. Mr. Sparrow admitted the facts relating to the offence, but he argued that there existed an aboriginal right to fish, and that the restriction imposed by the band licence regarding the length of the net was invalid because it was not compatible with subsection 35(1) of the Constitution Act, 1982. On May 31, 1998, the Supreme Court issued a landmark ruling on the compliance with and scope of section 35 of the Constitution Act, 1982.

According to the highest court in the land, section 35(1) does not explicitly authorize the courts to assess the legitimacy of any government legislation that restricts aboriginal rights. The words "recognition and affirmation" in subsection 35(1), however, incorporate the government's responsibility to act in a fiduciary capacity with respect to aboriginal peoples and so import some restraint on the exercise of sovereign power. Federal legislative powers continue, including the right to legislate with respect to Indians pursuant to section 91(24) of the Constitution Act, 1867, but must be read together with section 35(1). Federal power must be reconciled with federal duty and the best way to achieve that reconciliation is to demand the justification of any government regulation that infringes upon or denies aboriginal rights.

The court added, and I quote:

The test for justification requires that a legislative objective must be attained in such a way as to uphold the honour of the Crown and be in keeping with the unique contemporary relationship, grounded in history and policy, between the Crown and Canada's aboriginal peoples.

The Hon. the Speaker: Honourable senators, I am sorry to interrupt Senator Nolin, but his 15 minutes are up. Is leave granted for him to continue, honourable senators?

Hon. Senators: Agreed.

Senator Nolin: Senator De Bané will notice that I am quoting from the Supreme Court decision tonight to make sure he agrees that what I am saying.

The extent of legislative or regulatory impact on an existing aboriginal right may be scrutinized so as to ensure recognition and affirmation.

"Recognition" and "affirmation" are the two words used in section 35(1) of the Constitution Act, 1982.

Section 35(1) does not promise immunity from government regulation in contemporary society but it does hold the Crown to a substantive promise. The government is

required to bear the burden of justifying any legislation that has some negative effect on any aboriginal right protected under s. 35(1).

As these rather disturbing facts show us, the provisions of Bill C-32 concerning aboriginal people seem in contradiction with section 35 of the Constitution Act, 1982, particularly with regard to Métis participation. The federal government never explained in a satisfactory way how that group could be omitted from Bill C-32.

True, some people said that we should pass this bill first then correct these small imperfections. I do not buy that. These are not small imperfections. The Supreme Court of Canada forced the federal government to respect ancestral rights of Canadian Métis and there is no way we can simply decide to override those rights.

Canadian Métis have rights. The Fathers of Confederation of 1982 recognized their rights and we must respect them. I understand that it would be very easy to say that we will pass the bill and correct the small mistakes in the course of the next five years. I object to that. The Supreme Court reminded the federal government of its rights and obligations. Parliament must respect these rights. That is what it must do.

Consequently, we have a constitutional and moral obligation as parliamentarians to ensure that the ancestral rights of aboriginal peoples and the health of Canadians living in these communities are protected. We must not forget that peoples like the Métis, the Inuit and the Indians were the ones who made it possible for the European explorers, and later the companies and various levels of government, to discover the territory of our country and its specific characteristics. We cannot therefore shunt aside the unique traditional knowledge of the Métis, or any other aboriginal community, in drawing up our environmental policies. The health problems of the First Nations and the pollution they have to deal with must be addressed with the same attention as those affecting the most heavily populated regions of Canada.

Honourable senators, in closing, I must remind you that our political system and our society are built on the legal and political equality of all citizens of Canada. For too long now, aboriginal citizens have been treated as second-class, sometimes even third-class, citizens, as Senator Chalifoux so aptly stated when the Métis National Council appeared before us. Supporting my amendment will enable us to remedy this situation and to demonstrate that the Métis are considered full-fledged citizens of our country and that we have their welfare at heart.

It is quite obvious to me that the bill is flawed. I am going to read the preamble, first the English version and then the French.

Honourable senator, look at the bottom of page 1 and the top of page 2. This is the preamble to the bill, and I quote:

[English]

Whereas the Government of Canada is committed to implementing the precautionary principle that, where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation...

[Translation]

And in French, it says:

qu'il s'engage à adopter le principe de la prudence, si bien qu'en cas de risques de dommages graves ou irréversibles, l'absence de certitudes scientifiques absolues ne doit pas servir de prétexte pour remettre à plus tard l'adoption de mesures effectives visant à prévenir la dégradation de l'environnement.

It would seem obvious to me. The English version is limited to measures with an economic connotation, that are "cost-effective," while the French version is limited not to measures with an economic connotation but to all effective measures to prevent environmental degradation.

So, does this mean that, in English, and I will paraphrase, based in part on the French text and in part on the English, this shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation, as it says in English, or all effective measures?

The committee heard from a linguistic jurist, a rather unusual profession. Such people exist. He told us that, at the very least, there was a big difference and, at the worst, a contradiction, between the two versions. This cannot be tolerated, because it means that we are not doing our job. The English version does not mean the same thing. The French version is much more comprehensive than the English version. In English, the government is limited to considering cost-effective measures while, in French, all measures will be considered.

MOTION IN AMENDMENT

Hon. Pierre Claude Nolin: Honourable senators, for these reasons, having to do with aboriginal peoples, primarily the Métis, I move, seconded by the Honourable Senator Spivak:

Que le projet de loi C-32 ne soit pas maintenant lu une troisième fois, mais qu'il soit modifié à l'article 6, à la page 12, par l'adjonction à la ligne 31, de ce qui suit:

d) un représentant pour les Métis choisi par le ralliement national des Métis.

In the other official language, and I quote:

[English]

That Bill C-32 be not now read the third time but that it be amended

(a) —

[Translation]

You will note that there is an additional amendment in English. That amendment is self-explanatory.

[English]

(a) by replacing line 9 with the following:

"each of the provinces;" and

(b) by replacing line 30 with the following :

"original governments;

(d) one representative for all Métis selected by the Métis National Council."

[Translation]

Now for the effective financial measures, my amendment affects only the English version. I am going to read it to you in English.

[English]

That Bill C-32 be amended in the preamble in the English version on page 2 by replacing line 1 with the following:

"postponing effective measures to prevent".

[Translation]

The Hon. the Speaker: It was moved by the Honourable Senator Nolin and seconded by the Honourable Senator Spivak:

That Bill C-32 be not now read a third time —

Hon. senators: Dispense.

[English]

Hon. Mira Spivak: Honourable senators, I have a question for the Honourable Senator Nolin.

I want to check the difference in meanings that arose in our committee discussions. I understand that this version is contradictory and not simply "different," as you just suggested. Can you confirm that contradiction in the French language? In the French version, the measures would not necessarily be cost-effective. In fact, they could be costing more than other measures and still be "effective." The meaning in French is that by any effective means they could achieve their goals, but those measures might cost a great deal more.

Senator Nolin: I will repeat what I said in French, and I will try to be clear. Minimally, it is different. If you push the argument, using the perfect example, then it is contradictory. Of course, in a case where cost is not important in evaluating a measure, then you can have a measure which will not be cost-effective but which will reach the principal goal. In English, every measure needs to be cost-effective.

Mr. Perez was the witness representing the Canadian Petroleum Products Institute. We asked him about how he lobbied the government at the report stage. He is a French speaker so we asked if he lobbied in English or in French. He said, no, that he had lobbied only in English.

That response tells us a lot. The industry wanted to include the positive, cost-effective measure. No one has looked at the French version except the Senate. It is our job to correct that.

Senator Spivak: Honourable senators, I have another question for Senator Nolin.

The Library of Parliament researcher suggested that the word "effectives" here is not even a good use of French. We would rather have effective measures, because requiring cost-effectiveness contradicts the precautionary principle. As many of the witnesses told us, the whole point of the precautionary principle is to address uncertain science. Cost-effectiveness may prevent implementation of the precautionary principle.

Cost-effectiveness is not defined anywhere in the bill, probably because it is a contradictory element.

My question is hypothetical. If one wanted to, could one use a French phrase that talked about externalizing the cost, and answering the question of the cost to whom? In a total accounting of the cost, cost-effectiveness would not be defined as industry defines it but would take in all the costs to health and the environment. If that definition were used, then industry would not want the term "cost-effective" used in the bill. That definition could cost a great deal more. If you were to properly take in all the costs, what would the translation be in French?

[Translation]

Senator Nolin: The best way to make good laws is to say as little as possible.

[English]

The best way in French to make good laws is to say the least. Do not try to say too much. You want measures that are "efficace," not "effectives." "Efficace" is the proper word because "effectives" means that it produces an effect.

[Translation]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, is there a connection with the famous Rio Declaration? I wonder if you can provide some explanation on

the connection with the Rio Declaration and the position presented by the United States?

Senator Nolin: I can give my right to respond to Senator Spivak, who is better informed than I am on this topic.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. senators: Agreed.

[English]

• (1920)

Senator Spivak: Honourable senators, I have a question about the position of the United States in this whole business of cost-effective measures. The United States did not want the precautionary principle included in the Rio Declaration. There was a compromise, as Senator Andreychuk would know. They felt the term "cost-effective" satisfied their intention. However, the Scandinavian countries accepted the word "cost-effective" because they felt it would never be cost-effective not to have a precautionary principle whenever the damage could be irreversible. The precautionary principle would be invoked when potential damage was so great or irreversible that scientific certainty would not be required.

This has occurred in two earlier instances. Thirty years ago, cause and effect linked smoking with cancer. The same thing occurred with the lead poisoning issue.

Canada is a signatory to many other conventions besides the Rio Declaration. One is the Convention on Biological Diversity. The term "cost-effective" is nowhere to be found in such conventions because it blatantly opposes the intentions. The cabinet made a contradiction in the Rio Declaration and for very good reason. It is not a good idea for us to carry that contradiction forward into domestic legislation.

Hon. John Buchanan: Honourable senators, if we had a packed gallery, the observers would be asking what we are doing and what we are talking about. It is probably evident to anyone who has been following this whole scenario that our discussions here are futile as far as convincing senators opposite to vote for any amendments or to vote against the bill. They will not vote to change the bill. We know that. So why are we here? I will tell you why we are here.

Honourable senators, this is bad legislation. Bad legislation should be corrected to make it good legislation. Obviously, senators opposite prefer bad legislation to good legislation.

To my honourable former premier, he was not in the committee. I want to tell him that I watched what was going on in that committee. There is no doubt that the marching orders had been given as to what was to happen in that committee.

I broke it down to three situations. First of all, it is bad legislation. I will explain to you in a minute why.

Second, witnesses who came there had been hoodwinked. I will explain that later as well.

Third, the political process was badly flawed from the minute we walked into that committee room.

How is legislation good or bad or in between? It is bad legislation when you find that many, many members of Parliament would have voted against the legislation if they knew then what they now know.

Second, members of Parliament had approved 150 amendments to the bill over a long period of time. Good for them. What happened? The government made what would have been good legislation into bad legislation because the government decided to change 90 of those amendments and put them back where the bill had been before. They ignored the members of Parliament. That creates bad legislation.

Let us look at what happened next. Most of the witnesses who appeared before the House of Commons committee over eight or nine months were ignored by the government. Most of the amendments proposed by the witnesses were approved by the House of Commons committee. How shocked they must have been when they saw the bill at report stage. They must have thought they had been hoodwinked by the government because their submissions and suggestions were, for the most part, ignored by the government in its determination to pass bad legislation. The report of the committee was emasculated by the government.

What happened next? All of the recommendations were ignored and the legislation was passed by the House of Commons. Then it was discovered that representations had been made to the government by a small group of very influential people in this country. They urged the Prime Minister and the government to change the bill as approved by the elected members of Parliament, but the members did not know that until after they voted in the House of Commons.

An Hon. Senator: Shame.

Senator Buchanan: Yes, the honourable senator has used the right word because the work of those members of Parliament was trammelled by the government.

A letter from another large company, Alcan, was made public after the vote. The letter said that if this legislation goes through in the committee stage format, Alcan might just have to close a lot of plants, primarily in Quebec.

Senator Kinsella: Perhaps in Shawinigan?

Senator Buchanan: Yes, I think that may be right.

So what did the government do? They said, "Well, even though our Liberal MPs and the Tories and a few others voted for this version, we say no." The members voted for the bill because they were not aware of the personal representations that had been made to the government. They were not aware of this particular

letter from Alcan to the Prime Minister. That is why they did it. They now say that if they had known that, they would not have voted for the bill.

• (1930)

It is important that we remember that, because some of your own members of Parliament were hoodwinked by their own government. In fact, some very prominent Liberal members of Parliament were hoodwinked by their own government.

This is bad legislation put together by a group in the Prime Minister's Office and in the cabinet room, many of whom, I suspect, were opposed to what the Prime Minister and others wanted to do. However, cabinet solidarity being what it is, they will not say much of anything about it. That is fine; I agree with that. I look at the front bench here and I see member former cabinet ministers. I have dealt with many cabinet ministers. You and I know that many of those cabinet ministers were not in agreement with changing what the members of Parliament had agreed to at committee stage. What was the end result? Bad legislation. There is no question about that. You can laugh, but you know it is true. Senator Chalifoux knows it is true, as does Senator Adams and Senator Taylor. Even Senator Kenny knows it is true!

What happened here? The witnesses were ignored. I can hear my friend from Cape Breton, Nova Scotia, Elizabeth May.

Senator Kenny: We know Elizabeth. Is she your friend?

Senator Buchanan: Yes, she is. Her mother is a good friend of mine. I can hear her now saying, "Why did I bother to testify on behalf of the Sierra Club at the House of Commons committee? This matter will be looked at now because I am going to the Senate committee. That is an independent body. It will take a sober, second look at the legislation. I trust them."

Senator Kenny: Did she ever vote for you, Senator Buchanan?

Senator Buchanan: No. You knew the answer to that question.

In a political sense, do you know what is at stake here? The credibility of the Senate. Over 90 per cent of those witnesses, representing a cross-section of Canadian society, came to the Senate, saying, "We will now get justice from the Senate. They will listen to us. They will propose some of our amendments and pass some of them — no one expects all of them to be passed — through the Senate. They will then refer the bill back to the House of Commons so that we will have a bad bill and bad legislation made better."

What happened? Over 90 per cent of the witnesses were opposed to the bill in many ways. Some of them agreed with certain sections; many disagreed with many sections; and many said, "We would prefer to have Bill C-88 than this bill."

We had a good reason to walk out when we did because the outcome was a forgone conclusion. The Honourable David Anderson, in answer to a question from Senator Spivak, said, "I respect your comments that, perhaps, the existing Bill C-88 is better." That is an indication that, perhaps, the minister did not get his marching orders correct from the Prime Minister.

Senator Nolin: He was only on the job for five days!

Senator Buchanan: He is saying, "I think we can live with the 1988 legislation if we must, yes." In other words, he is saying, "I agree that this is bad legislation."

Senator Carstairs: No. Read his letter!

Senator Buchanan: No. This was not in a letter.

Senator Carstairs: He also wrote a letter.

Senator Buchanan: After he realized that he had made a mistake, maybe. But it was too late.

The minister then told Senator Spivak, "I respect your comment that perhaps the existing legislation, Bill C-88, is better." If the minister says that Bill C-88 is better, then why is he passing bad legislation? He knows it is bad.

Senator Taylor: He is respecting Senator Spivak's comments!

Senator Buchanan: He said that "the existing Bill C-88 is better. I think we can live with it." What does that mean, Senator Taylor? He says, "We can live with that. Take this legislation before your committee now and let us make it better even if it takes another six or seven months. We will live with the existing one until you do that." That is sound reasoning on behalf of the minister. The minister also says, "It is always possible to work under the old legislation."

Approximately 90 per cent of the witnesses said, "We would prefer the old legislation while you correct this bill," including the minister, Mr. Anderson. In other words, he is saying: "Let us not pass bad legislation. Let us work with the existing act, correct the problems in Bill C-32, and then pass a new bill, one that is acceptable."

It is difficult to pass legislation that is acceptable to everyone, but there should be a consensus among the majority of the population that they agree with it. "Consensus" is always a good word. I remember when the Supreme Court, in 1981, used that term when they said to Prime Minister Trudeau, "You must have a consensus of the provinces." It is appropriate to use that word here. Make bad legislation better legislation so that a consensus of Canadian society will agree with it.

What is happening here with the political process? Well, the political process has been torpedoed not only by the bill but also

by what the committee did with this bill. I have been around a bit in politics. I cannot recall a committee meeting that involved a bill, whether it was provincial or federal legislation, where at the outset the majority of the committee said: "By the way, we like this bill and we will pass it. Furthermore, to prove our point, we will not allow any more witnesses to appear before this committee. We are setting a time allocation now, before you even talk to any of the witnesses, so that no other witnesses will be allowed to appear." I ask: "How can they do this?" They can do it because they have a majority. To make it worse, they said: "By the way, we will pass another bill and put forward another resolution before the committee. Never mind talking to Senator Adams or Senator Chalifoux or some of the others who really were upset with this bill. We have been told that this bill is to be passed by the committee by twelve o'clock noon on September 7, without amendment."

• (1940)

While driving back from Halifax to Ottawa, I was listening to a radio program from Halifax, and I heard one of the government committee members say, "Well, I am not going to support any amendments to this bill." We had barely even started to hear witnesses. I think we had heard from maybe eight witnesses, and yet he had already made up his mind. He was not going to vote for any of our amendments. He had not even heard one of them yet. That is how ridiculous the situation is.

This is bad legislation. The political process has been damaged; it has been torpedoed. We are not destroyed yet, though; I can tell you that. That is why we are here. We know what the government is going to do. We realize what you are going to do. Honourable senators opposite have been told to vote for the bill, to hold their noses and do it. We want to make the point, however, that you have tried to demolish the political process in this place.

As said in the report, we went into that committee meeting with the full understanding, as we have in other committees of this place, that we would have every opportunity to discuss the bill and to hear from witnesses, but the motion you people passed disallowed us from doing that. The motion judged prematurely the work of the committee before it even started, effectively limiting the time that could be spent with witnesses discussing the bill, and preventing a detailed clause-by-clause review in which we could introduce amendments. It demonstrated the unwillingness of the senators representing the government to carefully consider evidence which would be heard by the committee during its hearings and their further unwillingness to consider amendments.

The Hon. the Speaker: Honourable Senator Buchanan, I regret to interrupt you but your time has expired.

Senator Buchanan: I just have another minute, if I might have leave to continue.

Senator Carstairs: A regular minute or a Buchanan minute?

Senator Buchanan: As usual, I am at your disposal.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator De Bané: Please continue.

Senator Buchanan: I thank Honourable Senator De Bané. This gentleman has been, continues to be and always will be a honourable gentleman, in my opinion. When he was a minister in the Trudeau government, he was a friend of Nova Scotia. Many was the time we walked around the Halifax area discussing our problems. I suspect that Senator De Bané, if he could, would vote against this bill.

Honourable senators, I heard someone say, "Well, you had all the witnesses you wanted to hear." That is not true. There were witnesses from Nova Scotia who wanted to come to Ottawa but your closure motion ensured they would not. The Nova Scotia Council on Health sent a written letter asking to be heard, and were told they could not be heard because the government majority said they did not want to hear anyone else.

When you get together in committee, you often say, "Listen, there is a time limit for witnesses." However, there are certain things that come up during committee meetings which cause you to say, "Oh, listen, there is another group in Nova Scotia or Alberta or B.C. that wants to be heard on this but they probably did not know anything about it. Is it all right if we get in touch with them and see if they can come?" Usually the answer is, "Oh, sure, go ahead. Let us not have too many more witnesses but certainly we are not going to close out any legitimate people who want to be heard."

What did we have to do in this case? We had to tell those legitimate people who want to be heard, "Sorry, closure, you cannot be heard," and thus the Nova Scotia Council on Health were not able to come to be heard. What about Don Deleskie from Sydney? He would love to have come up here and be heard, and I know you would all like to hear him. He was not given the chance.

In other words, closure destroyed the political process that we have been trying to build in the Senate.

I would like to remind honourable senators opposite of what this Upper House is supposed to be and what you have started to destroy. In the words of Sir John A. Macdonald:

There would be no use of an Upper House, if it did not exercise, when it was thought proper, the right of the opposing or amending or postponing the legislation of the Lower House. It would be of no value whatever were it a mere chamber for registering the decrees of the lower house.

It must be an independent House, having free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch.

That was John A. Macdonald, the first prime minister of this country, one of the founders of this country, who decided along with the others the Senate was important as a house of sober, second thought, and one representing the regions and the people of this great country of Canada. That is what he said.

Just remember when you get up to vote in favour of this legislation which is opposed by over 90 per cent of the people of Canada, and opposed by members of Parliament, that the credibility of the Senate is at stake.

I ask you one question. What was the rush? The answer from the minister: "Oh, well, look, I want this over with. I want it done. It has been in the House of Commons now for years." So what? If you are going to end up with a good piece of legislation, so what? Why the rush? Why close out the Senate? Why tell the Senate what to do? Get the bill passed and get it out of that Senate so that bad legislation becomes law? Why? Because they want to prorogue Parliament. What is more important, I ask you, to prorogue Parliament or to pass good legislation? Good legislation is more important. You can get it, we can amend it here, and we can send it back to the House of Commons. Do not let me hear you saying, "Oh, but then it will take years again." It can go back to the House of Commons amended from here, and after prorogation it can be introduced again as a new bill with the amendments. By government order it would pass the House of Commons and be out of there in a matter of months, and we would have good legislation, not bad legislation.

The government, however, has decided.

I said I would only take a minute; I took a little longer than that. I just want to say to you, seriously, please, when these amendments come to a vote, vote for the amendments. Make this a better bill. Have those people who appeared as witnesses before this great Senate of Canada say, "Thank God for the Senate of Canada."

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I refrained from speaking at first, but now having heard what the honourable senators on both sides have had to say, I have a better notion of what is involved.

[English]

Those who pretend to be expert in everything realize very rapidly they are expert in nothing. I take my clue. I listen to people I have a great deal of respect for, people who are experts, and I say, "That makes sense." Then I look for an answer back. If there is no answer back, then I am not in doubt.

• (1950)

I have had the privilege and pleasure of working with Charles Caccia. Mr. Caccia has been called every name in the book by people who do not like his character. However, in my view, he is one of the hardest working members of the House of Commons. I want to pay homage to him. He is opinionated and stubborn. For a while, he was the chairman of the International Parliamentary Union. Our Speaker was very involved in the International Parliamentary Union where this discussion took place.

I do not want to make a long and passionate speech. I see that the end is coming, and I regret it. I share the opinion of Senator Buchanan that the Senate could have held this bill much longer. If 92 per cent of the people do not like this bill, that must be a signal to us. Charles Caccia is not only an expert in the Canadian House of Commons, he is well known internationally through the International Parliamentary Union. He is highly respected.

Who does not have a high opinion of the views expressed by Mr. Clifford Lincoln? We remember when he said in Quebec City that rights are rights are rights, and chose to resign. He will fight Onex's proposal to take over Air Canada and those who do not know him will see that he is an excellent fighter. Those who manage the business of the House of Commons are very lucky that that chamber is not sitting at this time. Were it sitting, a very interesting debate would be taking place there.

I did not withhold unanimous consent not to see the clock at six o'clock tonight as I may have done to delay the government. We could have sat here all week, and then it would have been interesting to see what would have happened next Monday, because the House of Commons is still scheduled to resume sitting on Monday, September 20. The Senate chose not to continue the debate.

Some of our new senators probably already find this place to be partisan. However, when a bill is bad, the same people who sometimes think that the Senate should disappear are the first to say that perhaps the Senate will come to their rescue. I hope that some day we will not be afraid to take our responsibility. Parliament is two houses: the House of Commons and the Senate. I want to ensure that the new senators understand that we are members of Parliament. I repeatedly read in parliamentary association reports that there were a certain number of members of Parliament and a certain number of senators in attendance. We must set the record straight.

Senators want to proceed, to my regret. I will vote for the amendments, which I ensured that we would receive in both English and French, and I will vote against the bill, not because I do not want action but because I believe that the bill is not satisfactory.

This was a good opportunity for senators not to vote along party lines. That will not happen this time, so we wait for the next opportunity.

The Hon. the Speaker: As no other honourable senators wishes to speak, I will proceed with the motions before us.

I have three sets of amendments. The latest set was proposed by Senator Nolin, seconded by Senator Spivak. The previous set was proposed by Senator Cochrane, seconded by Senator Robertson. The first set of amendments was proposed by Senator Spivak, seconded by Senator Cochrane.

Does the Senate wish to vote separately on each amendment or to vote on them all together?

Senator Prud'homme: I am sure that His Honour has read all the amendments. Is he satisfied that in the order in which he will call them they will not contradict each other? If he is satisfied with that, we can proceed in that manner.

The Hon. the Speaker: I wish I could answer the Honourable Senator Prud'homme.

Senator Carstairs: I believe it is agreed that we will vote on the group of amendments moved by Senator Nolin, then on those moved by Senator Cochrane, and then on those moved by Senator Spivak, followed by the main motion.

Senator Kinsella: That is agreeable to us. On certain amendments, which we will identify as they arise, we will want to have a standing vote. On others, it will not be necessary to have a standing vote.

Senator Carstairs: As well, there is general agreement that there will be a half-hour bell.

Hon. Lowell Murray: With agreement, there will be a half-hour bell.

• (2000)

The Hon. the Speaker: The procedure in which we are engaged is totally irregular. The rules are clear that there can only be one amendment and one subamendment; however, the Senate agreed to proceed in this way. Thus, this is the way we are doing our business.

I shall proceed to the first question before the Senate. It was moved by the Honourable Senator Nolin, seconded by the Honourable Senator Spivak:

That Bill C-32 not be read now but be amended in the preamble —

Shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Will those honourable senators in favour of the amendment please say "yea"?

Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the amendment please say "nay"?

The Hon. the Speaker: Nay.

The Hon. the Speaker: I declare the "nays" have it. The amendment is defeated.

And two senators having risen.

The Hon. the Speaker: The next amendment —

[Translation]

Senator Nolin: Are my two amendments being put to a vote, or just the preamble?

The Hon. the Speaker: If I understood Senator Carstairs correctly, we were taking the amendments moved by each senator en bloc. So I read your amendments and was told to dispense. So I did not read both amendments. It was understood that we were voting on the amendments moved by each senator en bloc.

[English]

Senator Kinsella: We have had two honourable senators rise. We are calling for a standing vote. We agree with the Deputy Leader of the Government that a one-half hour bell would be appropriate.

The Hon. the Speaker: Are you asking for a standing vote on the amendments proposed by Senator Nolin, seconded by Senator Spivak?

Hon. Senators: Yes.

The Hon. the Speaker: A standing vote has been requested.

Senator Carstairs: Once all the senators have been called in for this standing vote, we will then proceed with all other standing votes, if such is required by the other side.

Senator Kinsella: Agreed.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

[Translation]

Senator Prud'homme: I understand the impatience of honourable senators. I understand perfectly well the wish to move quickly.

[English]

However, there is something that I have learned from the English tradition. It is the power of the precedent. In this regard, I speak just for myself. To do otherwise would be arrogant.

I hope that I understand that there is no precedent being built into the system tonight and this afternoon. I do not want to warn honourable senators because that might be too strong a word. I wish to draw to the attention of the leadership that there are so many precedents being set tonight that it could be useful for any senator in the future to say, "How could you have done it that way then and not do it that way now?" I hope that honourable senators will reflect on that because, in the future, I will be the first one to use the precedent, if need be, that we are setting tonight.

The Hon. the Speaker: I can assure the Honourable Senator Prud'homme that there is no precedent being set here. Nor is there any precedent for what I have just allowed honourable senators to do, which is also against the rules. The rule is that there can be no debate once a vote has been called. However, because we are working on a consensual basis, I allowed it.

A standing vote has been requested on the set of amendments proposed by the Honourable Senator Nolin, seconded by the Honourable Senator Spivak. I understand that there is agreement that there will be a one-half hour bell.

Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: I also understand that any subsequent votes will be taken immediately following the taking of the vote that has just been requested.

Hon. Senators: Agreed.

The Hon. the Speaker: The vote will be held at 8:35.

Call in the senators.

• (2030)

The Hon. the Speaker: Honourable senators, the question before the house is on the two amendments moved by the Honourable Senator Nolin, seconded by the Honourable Senator Spivak.

Shall I dispense with the reading of the amendments?

Hon. Senators: Dispense.

Motions in amendment (Senator Nolin) negated on the following division:

YEAS

THE HONOURABLE SENATORS

Andreychuk	Murray
Atkins	Nolin
Beaudoin	Prud'homme
Buchanan	Rivest
Cochrane	Roberge
Comeau	Robertson
Forrestall	Rossiter
Keon	Simard
Kinsella	Spivak
LeBreton	Tkachuk
Lynch-Staunton	Wilson—22

NAYS

THE HONOURABLE SENATORS

Adams	Kirby
Bryden	Lewis
Callbeck	Losier-Cool
Carstairs	Maheu
Chalifoux	Mahovovich
Christensen	Mercier
Cook	Milne
Cools	Moore
Corbin	Pépin
De Bané	Perrault
Fairbairn	Perry Poirier
Ferretti Barth	Poulin
Finestone	Poy
Finnerty	Robichaud
Fitzpatrick	(<i>L'Acadie-Acadia</i>)
Fraser	Robichaud
Furey	(<i>Saint-Louis-de-Kent</i>)
Gauthier	Rompkey
Gill	Ruck
Grafstein	Sibbeston
Graham	Sparrow
Hervieux-Payette	Stewart
Joyal	Taylor
Kenny	Watt—46

ABSTENTIONS

THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: The next amendments before us are those proposed by Honourable Senator Cochrane, seconded by Honourable Senator Robertson. There are three different amendments here. I have been asked to deal with them separately.

The first is:

That Bill C-32 be not now read the third time, but that it be amended

(a) in the preamble, on page 2 —

Shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motions in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Those honourable senators in favour of the motion in amendment will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those honourable senators opposed to the motion in amendment will please say "nay."

Some Hon. Senators: Nay.

• (2040)

The Hon. the Speaker: In my opinion, the "nays" have it. I declare the motion in amendment lost.

Is the motion in amendment lost on division, or do honourable senators wish a standing vote?

Senator Kinsella: A standing vote.

The Hon. the Speaker: Honourable senators, in fairness, I think we should have at least a five-minute bell in case someone has moved out of the chamber or wishes to move out.

Hon. Shirley Maheu: Honourable senators, I believe we agreed one month ago that there would be no more five-minute bells.

The Hon. the Speaker: With leave, we can do whatever we want. The alternative is to have the vote immediately.

Senator Nolin: We should have it next Wednesday.

Senator Carstairs: I think the agreement was that it would be immediate. Honourable senators knew that when they had the original half-hour bell.

Senator Murray: Honourable senators, I raised a question of privilege on this very matter a while ago, as colleagues are aware. I do not mean to be difficult. I heard the discussion earlier and the suggestion that there should be no time between votes on the various amendments. I would object very strenuously to that. I think the bell must ring for some time and the doors must be opened so that any senator who did not happen to be here for this vote and wants to participate in the next one can enter the chamber. I think the bells should ring for at least a few minutes.

Senator Carstairs: The argument against that is that under time allocation there can be no amendments. Hence, we made an agreement that we would allow four amendments. It is a rare situation, but we agreed that because senators had amendments we would proceed with amendments. Part of that agreement was that the votes would be continuous once the first bell of one-half hour called everyone into the chamber.

Senator Murray: Honourable senators, I appreciate the point the deputy leader has made about the fact that we only have four amendments; but, with respect, it is irrelevant to my point that there must be time for those senators who may not have been here to be called in. I stand corrected if I am wrong, but I do not think there was agreement that we would have no time between the votes on these various amendments. There must be some time to allow senators who were not here for the vote a few minutes ago to be here for the next set of votes.

Senator Kinsella: Honourable senators, I think the advice given by His Honour is appropriate under these circumstances. I would agree with His Honour's suggestion.

Senator Prud'homme: Honourable senators, I think the government will get what it wants tonight. We should not be stubborn for the sake of five, six, or seven minutes. Senator Murray is right in standing up. It is not even nine o'clock. The government will probably have this bill before nine o'clock. If we have a five-minute bell, everyone will be happy and we can proceed.

Senator Carstairs: Honourable senators, if it is the will of the chamber, we will have five-minute bells. However, I was on the record in the past in agreement with Senator Murray that we should never have a vote with less than a 20-minute bell.

The Hon. the Speaker: I gather there is agreement, then, for a five-minute bell. The problem is that a senator or senators can be out of the chamber. In an earlier vote today, an honourable senator was restrained by the pages and not allowed to enter the chamber because the honourable senator was entering after I had said, "The question is." That is the problem.

If honourable senators have agreed to a five-minute bell, we will vote at ten minutes to nine o'clock.

And two honourable senators having risen.

The Hon. the Speaker: Call in the senators.

• (2050)

The Hon. the Speaker: The question before the Senate is the first amendment by Honourable Senator Cochrane, seconded by the Honourable Senator Robertson, that Bill C-32 be not now read the third time, but that it be amended in the preamble —

Shall I dispense with the reading of the amendments?

Hon. Senators: Dispense.

Motion No. 1 in amendment (Senator Cochrane) negated on the following division:

YEAS

THE HONOURABLE SENATORS

Andreychuk	Murray
Atkins	Nolin
Beaudoin	Prud'homme
Buchanan	Rivest
Cochrane	Roberge
Comeau	Robertson
Forrestall	Rossiter
Keon	Simard
Kinsella	Spivak
LeBreton	Tkachuk
Lynch-Staunton	Wilson—22

NAYS

THE HONOURABLE SENATORS

Bryden	Lewis
Callbeck	Losier-Cool
Carstairs	Maheu
Chalifoux	Mahovlich
Christensen	Mercier
Cook	Milne
Cools	Moore
Corbin	Pépin
De Bané	Perrault
Fairbairn	Perry Poirier
Ferretti Barth	Poulin
Finestone	Poy
Finnerty	Robichaud
Fitzpatrick	(L'Acadie-Acadia)
Fraser	Robichaud
Furey	(Saint-Louis-de-Kent)
Gauthier	Rompkey
Gill	Ruck
Grafstein	Sibbeston
Graham	Sparrow
Hervieux-Payette	Stewart
Joyal	Taylor
Kenny	Watt—45
Kirby	

ABSTENTIONS

THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: The question before the Senate now is the second motion in amendment proposed by Honourable Senator Cochrane, seconded by Honourable Senator Robertson, that Bill C-32 be not now read a third time but that it be amended (a), in clause 44 on page 28 by adding the following —

Shall I dispense with the reading of the amendments?

Hon. Senators: Dispense.

The Hon. the Speaker: Will those in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen.

The Hon. the Speaker: The vote will take place at nine o'clock. Call in the senators.

• (2100)

The Hon. the Speaker: Honourable senators, the question before the Senate is the second motion in amendment moved by the Honourable Senator Cochrane, seconded by the Honourable Senator Robertson:

That Bill C-32 be not now read the third time but that it be amended.

(a) in clause 44 on page 28 —

An Hon. Senator: Dispense!

Motion No. 2 in amendment (Senator Cochrane) negated on the following division:

YEAS

THE HONOURABLE SENATORS

Andreychuk	Murray
Atkins	Nolin
Beaudoin	Prud'homme
Buchanan	Rivest
Cochrane	Roberge
Comeau	Robertson
Forestall	Rossiter
Keon	Simard
Kinsella	Spivak
LeBreton	Tkachuk
Lynch-Staunton	Wilson—22

NAYS

THE HONOURABLE SENATORS

Bryden	Lewis
Callbeck	Losier-Cool
Carstairs	Maheu
Chalifoux	Mahovlich
Christensen	Mercier
Cook	Milne
Cools	Moore
Corbin	Pépin
De Bané	Perrault
Fairbairn	Perry (Poirier)
Ferretti Barth	Poulin
Finestone	Poy
Finnerty	Robichaud
Fitzpatrick	(L'Acadie-Acadia)
Fraser	Robichaud
Furey	(Saint-Louis-de-Kent)
Gauthier	Rompkey
Gill	Ruck
Grafstein	Sibbeston
Graham	Sparrow
Hervieux-Payette	Stewart
Joyal	Taylor
Kenny	Watt—45
Kirby	

ABSTENTIONS

THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Honourable senators, we are now back to the first amendment proposed by the Honourable Senator Spivak, seconded by the Honourable Senator Cochrane:

That Bill C-32 be not now read the third time, that it be amended in the preamble on page one —

An Hon. Senator: Dispense!

The Hon. the Speaker: Will those in favour of the motion in amendment please say "yea?"

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed to the motion in amendment please say "nay?"

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen.

The Hon. the Speaker: Call in the senators. The vote will take place at 9:10 p.m.

• (2110)

The Hon. the Speaker: The question before the Senate is the motion in amendment moved by the Honourable Senator Spivak, seconded by the Honourable Senator Cochrane, that Bill C-32 be not now read the third time but that it be amended —

Shall I dispense?

Hon. Senators: Dispense.

Motion in amendment by Senator Spivak negated on the following division:

YEAS

THE HONOURABLE SENATORS

Andreychuk	Murray
Atkins	Nolin
Beaudoin	Prud'homme
Buchanan	Rivest
Cochrane	Roberge
Comeau	Robertson
Forrestall	Rossiter
Keon	Simard
Kinsella	Spivak
LeBreton	Tkachuk
Lynch-Staunton	Wilson—22

NAYS

THE HONOURABLE SENATORS

Bryden	Lewis
Callbeck	Losier-Cool
Carstairs	Maheu
Chalifoux	Mahovlich
Christensen	Mercier
Cook	Milne
Cools	Moore
Corbin	Pépin
De Bané	Perrault
Fairbairn	Perry Poirier
Ferretti Barth	Poulin
Finestone	Poy
Finnerty	Robichaud
Fitzpatrick	(L'Acadie-Acadia)
Fraser	Robichaud
Furey	(Saint-Louis-de-Kent)
Gauthier	Rompkey
Gill	Ruck
Graham	Sibbeston
Hervieux-Payette	Sparrow
Joyal	Stewart
Kenny	Taylor
Kirby	Watt—44

ABSTENTIONS

THE HONOURABLE SENATORS

Nil.

The Hon. the Speaker: The question now before the Senate is the motion by Honourable Senator Taylor, seconded by Honourable Senator Finnerty, that the bill be read the third time now.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed to the motion please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it.

And two honourable senators having risen.

The Hon. the Speaker: Call in the senators. There will be a recorded vote at 9:20 p.m.

● (2120)

Motion agreed to and bill read third time and passed on the following division:

YEAS

THE HONOURABLE SENATORS

Bryden	Losier-Cool
Callbeck	Maheu
Carstairs	Mahovlich
Chalifoux	Mercier
Christensen	Milne
Cook	Moore
Cools	Pépin
Corbin	Perrault
De Bané	Perry Poirier
Fairbairn	Poulin
Ferretti Barth	Poy
Finestone	Robichaud
Finnerty	(<i>L'Acadie-Acadia</i>)
Fitzpatrick	Robichaud
Fraser	(<i>Saint-Louis-de-Kent</i>)
Furey	Rompkey
Gauthier	Ruck
Gill	Sibbeston
Graham	Sparrow
Hervieux-Payette	Stewart
Joyal	Taylor
Kenny	Watt
Kirby	Wison-45
Lewis	

NAYS

THE HONOURABLE SENATORS

Andreychuk	Murray
Atkins	Nolin
Beaudoin	Prud'homme
Buchanan	Rivest
Cochrane	Roberge
Comeau	Robertson
Forrestall	Rossiter
Keon	Simard
Kinsella	Spivak
LeBreton	Tkachuk-21
Lynch-Staunton	

ABSTENTIONS

THE HONOURABLE SENATORS

Nil

PUBLIC SERVICE PENSION INVESTMENT BOARD BILL

ALLOTMENT OF TIME FOR DEBATE—NOTICE OF MOTION

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Sibbeston, for the third reading of Bill C-78, An Act to establish the Public Sector Pension Investment Board, to amend the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the Royal Canadian Mounted Police Superannuation Act, the Defence Services Pension Continuation Act, the Royal Canadian Mounted Police Pension Continuation Act, the Members of Parliament Retiring Allowances Act and the Canada Post Corporation Act and to make a consequential amendment to another Act.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, there have been discussions with the opposition about allocating a specific number of hours for debate on third reading of Bill C-78. Unfortunately, we have not been able to reach a mutually satisfactory agreement.

Subsequently, I give notice that tomorrow, September 14, 1999, I will move: [Translation]

That, pursuant to rule 39, not more than a further six hours of debate be allocated to dispose of third reading of Bill C-78, an act to establish the Public Sector Pension Investment Board, to amend the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the Royal Canadian Mounted Police Superannuation Act, the Defence Services Pension Continuation Act, the Royal Canadian Mounted Police Pension Continuation Act, the Members of Parliament Retiring Allowances Act and the Canada Post Corporation Act and to make a consequential amendment to another Act:

That when the debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the third reading of the said bill; and

That any recorded vote or votes on the said question be taken in accordance with the provisions of rule 39(4).

BUSINESS OF THE SENATE

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I think there is general agreement that all other items on the Order Paper shall remain there in the order in which they appear today.

The Hon. the Speaker: Is that agreed, honourable senators?

Hon. Senators: Agreed.

ADJOURNMENT

Leave having been granted to revert to Notices of Government Motions:

Hon. Sharon Carstairs (Deputy Government Leader): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday next, September 14, 1999, at 9:00 a.m.

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I realize that this is not a debatable motion. I am asking only a question for clarification.

Is it the understanding of this house that the rules relating to the time of sitting for Fridays will apply tomorrow?

Senator Carstairs: Yes, honourable senators, that is the understanding.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

The Senate adjourned to Tuesday, September 14, 1999, at 9 a.m.

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CANADA

Debates of the Senate

1st SESSION

• 36th PARLIAMENT

• VOLUME 137

• NUMBER 158

OFFICIAL REPORT
(HANSARD)

Tuesday, September 14, 1999

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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(Daily index of proceedings appears at back of this issue.)

Debates: Chambers Building, Room 943, Tel. 995-5805

Published by the Senate

Available from Canada Communication Group — Publishing, Public Works and
Government Services Canada, Ottawa K1A 0S9,

Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Tuesday, September 14, 1999

The Senate met at 9:00 a.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

SANDRA SCHMIRLER

BEST WISHES FOR RECOVERY

Hon. David Tkachuk: Honourable senators, I rise today to speak on a very serious note about a Prairie icon who is fighting for her life. You may know Sandra Schmirler of Regina. Her four-member curling rink brought a gold medal to Canada from Nagano, Japan in 1998, to add to their already achieved three women's world championship medals.

Sandra is fighting to recover from a major cancer operation. I spoke of her last in April of 1994 when she and her team became the first Canadian women's team to win back-to-back world titles. At that time, my entire province of Saskatchewan toasted Sandra and her team-mates.

The Prairies produce very special people. The grace, class and skill that Sandra Schmirler embodies make her one of these people. I should like to ask you to make room in your prayers for this courageous and enchanting lady as she fights for her life against cancer in a hospital in Regina. I would like to send my thoughts and prayers, along with those of my wife and my family, and yours, honourable senators, for more strength and courage to Sandra and her family.

QUESTION OF PRIVILEGE

Hon. A. Raynell Andreychuk: Honourable senators, you will have received a notice of a question of privilege being raised by me pursuant to rule 43(5) which states:

Immediately upon receipt of a notice required in sections (3) and (4) above, the Clerk of the Senate shall arrange for the immediate translation and dispatch, to each Senator's office address in Ottawa, a copy of the original notice and the translation.

I trust that all honourable senators have received this notice. The question of privilege concerns the unauthorized release of working drafts of a report of the Standing Senate Committee on Aboriginal Peoples, to which I intend to speak later this day.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before I call the next item on the Order Paper, I should like to advise you that, due to the late session last evening, the *Debates of the Senate* are not available in both languages at this time. There simply was not sufficient time to produce and translate them. They should be available by about ten o'clock.

ROUTINE PROCEEDINGS

TRANSPORT

TABLING OF ORDER IN COUNCIL TO ALLOW DISCUSSIONS ON PRIVATE SECTOR PROPOSAL TO PURCHASE AIR CANADA

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, pursuant to subsection 47(4) of the Canada Transportation Act, I am pleased to table an order authorizing certain major air carriers and persons to negotiate and enter into any conditional agreement.

• (0910)

TRANSPORT AND COMMUNICATIONS

REFERRAL TO STANDING COMMITTEE OF ORDER IN COUNCIL TO ALLOW DISCUSSIONS ON PRIVATE SECTOR PROPOSAL TO PURCHASE AIR CANADA—NOTICE OF MOTION

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, notwithstanding rule 58(1)(j), I give notice that, with leave, later today, I will move:

That, pursuant to subsection 47(5) of the Canada Transportation Act, the order authorizing certain major air carriers and persons to negotiate and enter into any conditional agreement, be referred to the Standing Senate Committee on Transport and Communications.

The Hon. the Speaker: Is leave granted for later this day, honourable senators?

Hon. Senators: Agreed.

QUESTION PERIOD

TRANSPORT

PRIVATE SECTOR PROPOSAL TO PURCHASE AIR CANADA— EFFECT OF RULE REGARDING TEN PER CENT OWNERSHIP

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wish to thank the Leader of the Government in the Senate for having tabled in this place today the order made pursuant to the Canada Transportation Act dealing with the suspension of the competition rules for 90 days. I request that the matter be referred to the Standing Senate Committee on Transport and Communications so that at least one of the Houses of Parliament can be examining it. I wish to thank the minister for having done that.

My question to the minister relates to the policy of the Government of Canada concerning the 10 per cent ownership rule which is provided for by statute. Is it the intention of the Government of Canada to change that policy or will the policy be developed after whatever conclusion is reached in the relationship between Air Canada and Canadian Airlines International?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, to put it into context, the 10 per cent rule was part of the Air Canada Public Participation Act to ensure the widespread public ownership of Air Canada's shares and to prevent any party from having undue influence over the airline at that time.

The government will consider all the parameters of any proposal supported by stakeholders to restructure the industry and to ensure the long-term stability of the industry. In that context, the government will consider potential legislative and regulatory changes required to ensure a long-term solution to the financial difficulties in the industry, including changes to the 10 per cent rule.

PRIVATE SECTOR PROPOSAL TO PURCHASE AIR CANADA— ORDER IN COUNCIL TO ALLOW DISCUSSION— EFFECT ON FAIR COMPETITION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the order that has been in force holds in abeyance any application of unfair competition, while at the same time the Competition Bureau is sidelined in this process. In light of this, who will provide oversight for fair competition in the air industry?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, there has been a 90-day suspension of the rule and, as the situation evolves, there will be an examination of the proposals, including an examination by the Standing Senate Committee on Transport and Communications.

As the honourable senator will know, the government is seeking a solution to ensure the long-term viability of the airline industry while maintaining the benefits of competition for travellers and shippers.

I am sure that members of both Houses of Parliament will have an opportunity to examine any proposals very carefully.

ONEX PROPOSAL TO PURCHASE AIR CANADA AND CANADIAN AIRLINES—INFLUENCE ON PRICE OF SHARES

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, while this process is ongoing, can the minister advise the house if the value of shares in either or both airlines could be affected? Has the government given any consideration to the impact on the value of shares as a result of following the process it seems to be following? Is there any mechanism in place to ensure that there was no prior knowledge of what is unfolding that would affect the value of shares in either airline?

Hon. B. Alasdair Graham (Leader of the Government): I am not aware that there was any prior knowledge, honourable senators. The actions that have been taken by the government, by Onex and, indeed, by Air Canada have already had an effect on share prices. After the government announced the 90-day suspension, there was a great deal of activity in the public market-place. The objective of the government is to ensure that any final proposal will satisfy very special conditions before it is approved by cabinet. Those conditions will be the preservation of a competitive environment in which price gouging will be prevented, as well as the protection of services to remote communities and respect for workers' rights. In the final analysis, those conditions will ensure the best interests of all Canadians.

ONEX PROPOSAL TO PURCHASE AIR CANADA AND CANADIAN AIRLINES—REQUEST FOR NAMES OF PERSONS INVOLVED IN DISCUSSIONS

Hon. David Tkachuk: Honourable senators, I wish to address a supplementary question to the Leader of the Government in the Senate.

There is no question that Onex will have to make public its participation in the market-place in the purchase of shares of Canadian Airlines and Air Canada not only after the announcement was made but prior to the announcement being made. Can the minister assure us that the government will make public a list of all those people in government departments or any other affiliated parties who may have been part of this deal so that we can find out whether they participated in the market-place prior to the announcement made by the minister in August of this year?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am sure that question would be more appropriately put to the witnesses who may appear before the Standing Senate Committee on Transport and Communications.

Senator Tkachuk: Honourable senators, could we not have a list of the people who participated in this matter? It seems to me that public policy should not be carried out in private.

• (0920)

It seems to me that probably a group of people participated in this process that led to the minister's decision. Certainly people in the minister's office and in the departments, and maybe even outsiders, would have known the decision of the government prior to its being announced, and they may have bought Canadian Airline shares and Air Canada shares with insider knowledge, and thereby profited greatly, regardless of what happens between now and when the final decision is made.

Senator Graham: I am sure that, through the various processes available to us as the situation evolves, that information will be forthcoming.

QUESTION ON THE ORDER PAPER

REQUEST FOR ANSWER

Hon. Colin Kenny: Honourable senators, I have a question to the Leader of the Government. I would like to draw his attention to question No. 143 on the Order Paper. It was placed on the Order Paper on March 2, 1999, seven months ago. It has to do with tobacco smuggling. Can the Leader of the Government give me some indication as to how much longer I will have to wait before I get a response to this question?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, it is my understanding that the answer to that particular question is ready. However, there has been not just a cabinet shuffle but a shuffle among parliamentary secretaries as well, and it is the practice for the parliamentary secretary in most cases to consult with the minister before signing off on an answer. We are attempting to get that answer signed off as quickly as possible. If it is possible to do that today, we will do so.

I know that Senator Comeau also has an outstanding question on the Order Paper and I have been pressing to have the answer to that question. I believe Senator LeBreton also has an outstanding question. I wish to assure all honourable senators that I am asking the authorities and ministers responsible to have those answers brought forward as expeditiously as possible.

Senator Kenny: Given that notice was provided on this matter, can we expect to have the answers before any prorogation?

Senator Graham: I will attempt to fulfil the request that has been made, not just by Senator Kenny but by other honourable senators as well.

TRANSPORT

PRIVATE SECTOR PROPOSAL TO PURCHASE AIR CANADA— EFFECT OF RULE REGARDING TEN PER CENT OWNERSHIP— POSSIBLE CHANGES TO STATUTES— GOVERNMENT POSITION

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, on the question of the 10 per cent limitation which affects only Air Canada, I understood the minister to say that the government might look with favour on suggesting changes to lift that 10 per cent maximum, should the Onex proposal receive the support of the government. Is that a correct interpretation of what I heard?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the government would entertain any necessary change in legislation that would facilitate an improvement in the long-term stability of the airline industry.

Senator Lynch-Staunton: Does that mean that any proposal or counter-proposal could benefit from a lifting of the 10 per cent rule, so that it would not necessarily be limited to the Onex proposal?

Senator Graham: I think that would be accurate, honourable senators. However, I am sure the government will examine any and all proposals on their merits.

PRIVATE SECTOR PROPOSAL TO PURCHASE AIR CANADA— EFFECT OF RULE ON 25 PER CENT FOREIGN OWNERSHIP

Hon. John Lynch-Staunton (Leader of the Opposition): There is also a 25 per cent limitation on total foreign ownership of any airline in Canada. Is the government willing to entertain suggesting legislative changes to remove that limit or to increase it, in order to allow, in its assessment, a more sound passenger airline industry in Canada?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, Senator Lynch-Staunton is going down the road as to where the ownership may lie, whether the majority would be in American hands or Canadian hands. My understanding is that the offer by the company that would be known as AirCo to purchase Air Canada shares is subject to acceptance by holders of at least 66.6 per cent of each of the voting and non-voting shares. Following these transactions, assuming that holders of 66.6 per cent of Air Canada shares accept the offer by Onex, it would be estimated, and I say this purely for purposes of clarification, that Onex will hold 31 per cent of the equity of the new airline, that AMR, the owners of American Airlines, will own 14.9 per cent, and that other public shareholders would hold 54 per cent.

Senator Lynch-Staunton: Yes, that is the Onex proposal, but let us say there is another proposal which appears to be more interesting, more financially sound and more promising for the Canadian airline industry, but which includes foreign ownership beyond 25 per cent. Would the government then entertain a legislative change to allow that to take place, or is that 25 per cent maximum figure fixed and the government will not deviate from it?

Senator Graham: Honourable senators, I would have to make further inquiries and I do not know if the government has taken a position on that as yet.

NATIONAL DEFENCE

CONFLICT IN EAST TIMOR—DUTIES OF PEACEKEEPING FORCE

Hon. A. Raynell Andreychuk: Honourable senators, I should like to return to yesterday's questions with respect to East Timor. Is the Leader of the Government now in a position to indicate whether the troops that the Prime Minister indicated would be available to go to East Timor will take on a peacekeeping role or a logistics-support role?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, we are awaiting the specific request from the United Nations. A draft resolution is being circulated today, Tuesday, and it will be discussed today and tomorrow. I anticipate that a vote will be taken on Thursday. Presumably the draft resolution would contain the nature of the peacekeeping force to be requested.

CONFLICT IN EAST TIMOR—POSSIBILITY OF PARLIAMENTARY DEBATE ON SENDING TROOPS

Hon. A. Raynell Andreychuk: Honourable senators, if, in fact, Canada does send peacekeepers, will the government allow a parliamentary debate before our troops are sent into any field of action?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I think such a debate would be entirely appropriate. As a matter of fact, I have discussed with my colleagues the possibility of some kind of a briefing for the appropriate committees of both Houses. I mentioned this to the Chair of the Standing Senate Committee on Foreign Affairs, Senator Stewart, yesterday, very late in the day. The possibility of having both Foreign Minister Axworthy, Defence Minister Eggleton and International Cooperation Minister Minna available for briefings on Friday is being examined. I hope that, before the day is out, I will be able to provide this chamber with further information.

The timing, of course, is related to Minister Axworthy's return to Canada from the APEC meeting in New Zealand. I understand he is also dealing with other responsibilities and meetings scheduled beforehand. However, at the present time I see a very real possibility of holding briefings for the appropriate committees in both Houses of Parliament this coming Friday morning. I hope to have further information on that before we adjourn today.

Senator Andreychuk: My question, however, was not a request for a briefing, particularly on a Friday. Some of us who do not live in Ottawa have a long distance to travel. The question was whether or not there would be a parliamentary debate, where all parties would have an opportunity to discuss and debate the

issue of whether it is appropriate and feasible to send troops to East Timor.

Senator Graham: Honourable senators, I think it would be entirely in order, and under ordinary circumstances, that would be the case.

Hon. Marcel Prud'homme: Practically, honourable senators with all due respect to Senator Andreychuk, it seems evident that a full briefing is in order, as the Leader of the Government has suggested. If we follow the announcement that is coming out progressively, Parliament may not be sitting. While there is no doubt that Parliament should be sitting, if it is not sitting, whether to have a debate in the House or in the Senate becomes quite irrelevant.

• (0930)

I agree totally with Senator Andreychuk that Parliament should give its consent. However, in view of the circumstances, by the time Parliament has a chance to debate this issue it will be quite late and I wonder if any East Timorese will still be alive. Some members will have trouble coming back here for a full briefing because of the distance involved. We should begin by having a full briefing — not one for half an hour or an hour, but a total debate. If the House is back, then we will debate the issue — that is, if it is still relevant. Ample opportunity should be given after consultation to accommodate the members of the committee, who have their own scheduling concerns. The chairman and others are here, but the scheduling of any briefing must be acceptable to them, not only to the minister.

Will the minister ensure that consultation takes place for that briefing so that every member of Parliament who has an interest in international affairs — whether or not they are a member of the committee — will be able to attend? In other words, will the agenda be made in order to accommodate the members of the committee? Non-members should follow what the members of both committees decide. Will the government entertain that possibility?

Senator Graham: Yes, I would be very happy to do that and to make every effort in that direction.

Senator Prud'homme questioned whether or not there will still be East Timorese alive. The situation is serious. Information that I received within the past 45 minutes indicates that in West Timor, there are 120,000 displaced persons; and in East Timor, there is something in the order of 190,000 displaced persons. That is a total of 310,000 displaced persons. That is almost half the total population of East Timor.

On the humanitarian level, I can report that Canadian Ambassador Sunquist will be in West Timor today to look at the refugee camps. We anticipate that the Red Cross will be in East Timor today, and a full UN assessment mission will be in East Timor tomorrow. Air drops to deliver humanitarian aid are being contemplated, but the earliest that they could occur would be, perhaps, September 18.

Senator Prud'homme: I am sure honourable senators have seen the interview given by Ambassador Sunquist on television. I should like to convey my compliments to the ambassador for the excellent interview that he gave in French. I learned more in that brief interview than I will probably learn in any briefing. I wish him well. We should not hesitate to acknowledge such accomplishments. He was superb in his interview on Radio-Canada and I, for one, would like to ask the Leader of the Government to express our thanks to him for giving us the beginning of an explanation that should be further developed by the ministers involved.

Senator Graham: Honourable senators, I should be pleased to do so. Senator Prud'homme's remarks underscore the importance, value and expertise of our diplomats who serve Canada with such great distinction in all parts of the world.

REPLACEMENT OF SEA KING HELICOPTERS— DELAYS IN AWARDING OF CONTRACT

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. Having attended the air show at Canadian Air Force Base Shearwater on both Saturday and Sunday; and having rubbed elbows with probably 250,000 people, both on the base and in the streets and hills surrounding that base, I am hard pressed to find the words strong enough to urge upon the Leader of the Government the necessity and urgency of the government in calling for active offers to replace the ship-borne helicopters.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I will be very pleased to bring that comment to the attention of my colleagues, whom I may or may not be able to meet with in the cabinet meeting at ten o'clock this morning, depending on how things are progressing in this chamber. As the Honourable Senator Forrestall knows, I am a great supporter of a program to replace the Sea Kings. I shall bring his new and latest observations to the Minister of National Defence and to my other colleagues.

Senator Forrestall: Can the minister indicate if there is, to his knowledge, a particular reason why the government has not taken the final step to call for proposals?

Senator Graham: I am not aware, honourable senators, of any particular reason. Again, I will bring Senator Forrestall's remarks to the attention of my colleagues.

FOREIGN AFFAIRS

CONFLICT IN EAST TIMOR—POSSIBLE INVESTIGATION OF PRIOR EVENTS—GOVERNMENT POSITION

Hon. John G. Bryden: Honourable senators, I should like to direct a question to the Leader of the Government in the Senate or to the Chairman of the Standing Committee on Foreign Affairs. This relates to the situation in East Timor. In all the discussion relating to what is occurring now in East Timor, is any

agency or anyone examining how this was allowed to happen? There was considerable advanced warning that if the vote went the way that it did, exactly what is happening now would happen. Yet we have our missionaries of democracy wandering around the world. This is only the latest instance of promoting such a vote and assuring the people that they some how would be secure. The vote occurred, people voted, and now they are being slaughtered or driven out of their homes.

I am reminded that in the best wishes and intentions, Christian missionaries used to go proselytizing around the world. In the process, they saved a lot of souls and destroyed a lot of cultures. In this instance, we are pushing the democracy agenda and it appears to be costing a lot of people their lives.

I should like to ask the minister or Senator Stewart if there is any avenue available that could be pursued to prevent this sort of thing from happening again and to see if some investigation should occur in relation to this sequence of events.

Some Hon. Senators: Hear, hear!

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, Senator Bryden has raised a valid point. It is almost an embarrassment to the world that such carnage could happen to innocent people exercising their democratic right to cast a ballot. They are being punished. This is not the first time that this has happened in various parts of the world. I witnessed it firsthand in 1986, in the Philippines, where the first major international observance mission of an election took place. I was privileged to take part in that mission and to visit the Philippines again in the following year. I have witnessed similar situations in other parts of the world as well. I will not go into a long list, but I will state that such monitoring is a responsibility of the United Nations and all its member countries.

• (0940)

As I indicated earlier, a United Nations assessment team is presently monitoring the humanitarian situation in East Timor and trying to find the answers to how this could have happened. Members of the United Nations and particularly member-countries of the Security Council are seeking ways to anticipate and prevent these kinds of events in the future. The UN anticipated difficulties but certainly not the extent of the carnage that is being inflicted upon the innocent people of East Timor.

The honourable senator raises a valid point which I will bring again to the attention of my colleagues so that the appropriate authorities will press it further at the Security Council of the United Nations.

Hon. A. Raynell Andreychuk: Honourable senators, I have a supplementary question. I thank Senator Bryden for returning to my question of a few days ago. The United Nations delayed the election in Angola because they knew there were difficulties on both sides. They delayed in Mozambique. Why did they not delay this vote? Why did we not press them to delay the vote?

The leader said that it was known there would be some difficulties. There is well-documented evidence that forewarned of the present events. Canadian representatives were made aware of it, as were members of the United Nations.

They were obviously hoping they could thwart the dangers. They appealed for calm and reason, but were they not ready for the inevitable problems if the anticipated positive outcome did not arrive as they thought it would?

Senator Graham: Honourable senators, it is a question of judgment. History has recorded many errors in human judgment. We must choose whether to participate in a particular democratic exercise in democracy at a given point in time and decide whether achieving one particular step towards democracy is worthwhile.

I cite as an example Paraguay. I witnessed elections in Paraguay in 1989, 1991 and 1993. I recall the discussions in 1989 when the opposition parties were being asked by some not to participate, while others felt their participation was a positive step in the right direction. The Colorado Party led by President Stroessner had, for 35 years, run the country under military rule. In 1991 an independent was elected as mayor of the capital city of Asunción. Clearly, very soon after the first so-called democratic elections in 1989, giant strides had been made.

It is a question of human judgment in choosing the most appropriate window of opportunity. Those responsible for taking that decision in this case felt the vote should go forward in East Timor, for better or for worse. Whether it was an error in judgment or not, only history will record. Now that it has happened, the nations of the world must get together and look after the people of East Timor as best we can.

Hon. Marcel Prud'homme: Honourable senators, many years ago, I clashed vigorously with a certain member of the House of Commons on the Middle East question. As I reflect on my old files from those days of the epoch, I realize I must pay homage to that man because he was the first to be a great defender of East Timor. He was Reverend Roland de Corneille from Toronto. He attracted the House of Commons' attention to that area of the world before 1984.

In the next session, I will remind the minister that he gave the go-ahead to the next Standing Senate Committee on Foreign Affairs — although most likely I will not be a member — to take up this issue. If not, I will start a movement here on the Hill to see that the issue is addressed.

Senator Graham used the word "anticipate." It is a very important word. We must anticipate what the year 2000 will bring. Anyone who is a good reader of the future will know that we will face immense difficulties with nationalities who want to

succeed not by use of democratic methods but by use of violence. We need only to look to what is going on in Russia now.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

PUBLIC WORKS—GOVERNMENT CONTRACTS WITH BMCI CONSULTING INC.—REQUEST FOR PARTICULARS

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to Question No. 135 on the Order Paper—by Senator LeBreton.

CUSTOMS AND EXCISE—IMPLICATIONS OF TOBACCO SMUGGLING ACTIVITIES—REQUEST FOR PARTICULARS

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to Question No. 143 on the Order Paper—by Senator Kenny.

AGRICULTURE AND AGRI-FOOD CANADA— RESEARCH CONDUCTED WITH MONSANTO AND OTHER INDUSTRY PARTNERS—REQUEST FOR PARTICULARS

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to Question No. 145 on the Order Paper—by Senator Spivak.

ENVIRONMENT CANADA—DELEGATION TO MEETING ON BIOSAFETY PROTOCOL IN CARTAGENA, COLUMBIA— REQUEST FOR PARTICULARS

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the answer to Question No. 146 on the Order Paper—by Senator Spivak.

BUSINESS OF THE SENATE

ANSWER TO ORDER PAPER QUESTION DELAYED

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I must say to Senator Comeau that his question, No. 147, is the last written question. We do not yet have an answer for it. I have been told that some work has been done on the question and that they will deliver it to us as quickly as possible.

Hon. Gerald J. Comeau: I suppose because it is a fisheries issue, it is not all that important.

ORDERS OF THE DAY

PUBLIC SERVICE PENSION INVESTMENT BOARD BILL

MOTION FOR ALLOTMENT OF TIME FOR DEBATE

Hon. Sharon Carstairs (Deputy Leader of the Government), pursuant to notice of September 14, 1999, moved:

That, pursuant to rule 39, not more than a further six hours of debate be allocated to dispose of third reading of Bill C-78, an act to establish the Public Sector Pension Investment Board, to amend the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the Royal Canadian Mounted Police Superannuation Act, the Defence Services Pension Continuation Act, the Royal Canadian Mounted Police Pension Continuation Act, the Members of Parliament Retiring Allowances Act and the Canada Post Corporation Act and to make a consequential amendment to another Act; and

That when the debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the third reading of the said bill; and

That any recorded vote or votes on the said question be taken in accordance with the provisions of rule 39(4).

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, we are quite willing to forgo debate on this motion in the hope that we can be a little more flexible in the closure debate in allowing amendments.

• (0950)

I know this is a violation of the rules, and I know that I am considered to be a stickler for the rules, but we are in an unusual situation so we must take unusual steps.

We have three or four speakers who have amendments. Foregoing the two-and-one-half-hour debate on the notice of motion would allow them time to propose their amendments, at which time we could vote on them in the same way we voted yesterday. That would be our suggestion.

Senator Carstairs: I thank Senator Lynch-Staunton. That would be agreeable with this side. However, I wish to make it very clear that this is not a precedent. The amendments will be accepted within the six-hour time of debate.

However, I would ask that, as soon as those amendments are read or are, in lieu of being read, distributed, they be distributed with speed to all members of the Senate so that, at the time of the

voting, all honourable senators will have the exact wording of those amendments at their seating place.

Senator Lynch-Staunton: Perhaps those who have amendments could see that they are photocopied now so that, as soon as they are tabled or presented, the copies would be available.

Senator Carstairs: That is a wonderful suggestion. Doing so would make things easier for the Table.

Hon. Marcel Prud'homme: I am sure that I would be echoing my friend Senator Gauthier, as well as several other senators, when I say that these amendments should be put to us in both languages. Otherwise, you had better be ready to be delayed.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): So that all honourable senators are clear, it is my understanding, and I would ask His Honour to correct me if I am wrong, that we are entitled to two-and-one-half hours of debate on the motion now before us, the time allocation motion. No later than two-and-one-half hours into the debate, immediately after the conclusion of that debate, we move directly to debate on the bill. We are then entitled to up to six hours of debate. At the end of that six hours, all questions will be put *ad seriatum*.

As we are operating today on the Friday rules, does that mean that we do not see the clock at four o'clock if we have not concluded the six hours of debate? Do we carry on beyond four o'clock, or do we see four o'clock and the motion to adjourn is deemed to have been put, as on a Friday? If it is the second scenario, do we then adjourn until Monday, which is what would be provided for in the Friday adjournment motion at four o'clock?

Senator Carstairs: Honourable senators, there are a number of issues here.

I thought we had an agreement to waive the two-and-one-half-hours. That was the suggestion of Senator Lynch-Staunton in order that the other side be allowed to make their amendments. Clearly, if they want to engage in a two-and-one-half-hour debate, then we will go to the letter of the law with respect to time allocation, which would mean no amendments. That is their choice. I have provided them with that option.

As to what day of the week it is today, a Tuesday is a Tuesday is a Tuesday is a Tuesday. It certainly indicates on the Table that it is Tuesday. It indicates in our Order Paper for today that it is a Tuesday. When I was asked yesterday if the understanding of the rules relating to time of sitting for Fridays would apply today, I indicated that that was my understanding. However, at no time did I agree that today would be a Friday. The motion to sit today clearly rules that it is a Tuesday.

Therefore, it would be my clear understanding that, if we could not finish our business today, we would sit at the normal time tomorrow, at two o'clock.

The Hon. the Speaker: Honourable senators, we are in an irregular mode once again. There is a motion before us, and I should allow only one speech on the motion. However, I think we need to clarify the situation. If it is agreeable to the Senate, I would propose that we discuss this question to settle where we are at. Is that agreeable, honourable senators?

Hon. Senators: Agreed.

Senator Kinsella: Honourable senators, I just wished to have clarification of the rules, which I think is something we can do at any time.

Unlike the Deputy Leader of the Government, I do not have copious notes in front of me on this matter. Unfortunately, we do not have the *Debates of the Senate* before us yet, but I think when they do arrive you will find that I rose in this place and asked very clearly, "Do the rules that provide for our sitting time apply tomorrow?" and the answer I was given was "yes." Therefore, I turned to the rules that apply for Friday. I merely asked the question. I will be quite happy to take the guidance of the Speaker on this.

Senator Carstairs: In order to provide just a little further clarification to His Honour and to members of this chamber, I would make it clear that rule 39(5)(a), which is part of the time allocation motion, indicates that if we are in the six hours of debate, whether it is Friday or not, we would not adjourn. Therefore, we would not see the clock at four o'clock. That is a clear rule with respect to the Senate. In fact, the motion that was introduced yesterday for today reads very clearly that the sitting would be on Tuesday.

It is true that Senator Kinsella asked a question, and the blues say the following:

Is it the understanding that the rules relating to time of sitting for Fridays will apply tomorrow?

I responded:

Yes, honourable senators, that is the understanding.

That agreement relating to hours of sitting was reached between Senator Kinsella and me when we discussed the matter in my office yesterday morning. I was the one who raised it because I wanted to make it possible for all members of the other side to get to their caucus in Calgary.

Senator Kinsella: I thank the honourable senator for that. That was my second question. Indeed, I read the rules that way as well, as far as what happens when a time allocation motion has been passed. When that debate is ongoing, should it be at twelve o'clock midnight on a Monday to Thursday at twelve o'clock midnight we would not see the clock but would continue. When the eight hours has been exhausted, all votes would be put *ad seriatum* until they are concluded.

There is another part of the process that I think we need to consider, and that is the question of Royal Assent. If by

four o'clock today Bill C-78 has not been passed, we will go beyond four o'clock until the eight hours has been exhausted, at which point all questions are put and the matter is resolved. I have a slight suspicion that it will be resolved in favour of the view taken and expressed by the majority. However, we are then in a situation of Royal Assent.

Can the house adjourn for Royal Assent when, by virtue of the four-o'clock rule, we are to have had the motion to adjourn overtaken for purposes of the closure motion? It seems to me that this is only for purposes of the closure motion. A letter could be received today from Rideau Hall announcing that His Excellency would be here, as I understand that bills have been adopted by this house, including Bill C-32. However, if we have yet to vote on Bill C-78 before four o'clock, could that notice come to affect our decision? I raise this matter for clarification only.

• (1000)

Senator Carstairs: Honourable senators, the rule is a little clearer on Royal Assent. For interested members of the Senate, I am referring here to rule 135, with particular reference to section 4, which says:

If the Senate has completed its business for the day prior to the hour fixed in the message received pursuant to section (2) above, the Speaker shall suspend the sitting until not later than five minutes before the time set for the arrival of the Personage outlined in the message....

Therefore, if in fact we have given notice of Royal Assent — and I understand that we may be able to do that shortly — even though we have completed all other business, of course we could continue. In fact, we could continue beyond even a four o'clock rising in order to hold Royal Assent, and one would assume, therefore, that any bills that we have passed in this chamber could then be dealt with at that Royal Assent ceremony.

Senator Prud'homme: Honourable senators, I should like to add that when I left last night, I was convinced that the rules that apply to Fridays would be applied today. I came to that conclusion after listening to the exchange between Senator Kinsella and Senator Carstairs. I did not know that there was this meeting in Senator Carstairs' office. I do not believe all honourable senators were invited, and there was no need for such a meeting. The answer which Senator Carstairs gave to Senator Kinsella left me with the idea that today would be treated as a Friday, as far as the rules were concerned. However, now it seems that other, later consultations took place, and that is what happens when we do not follow the book. Thus, honourable senators, we will finish up this session not following the book at all. However, I hope by the next session some honourable senators will have read the red book of rules, as I have done this summer, and as I intend to do again. I feel that some members of the Senate should become another Royce Frith of the red book, the *Rules of the Senate of Canada*, and that would make the Senate very interesting.

Senator Lynch-Staunton: He made it up as he went along. He did not have any rules. There were no rules, then.

Senator Prud'homme: He was a pain for the Conservatives.

The Hon. the Speaker: Honourable senators, a number of questions have been asked, which I frankly cannot answer. It is not for me to decide whether today is Tuesday or Friday. That is a decision that only the Senate can make. I have no order from the Senate that today is deemed to be Friday and, therefore, I must function on the basis that today is Tuesday.

I might add that if it were to be Friday, there would be other complications, for example, the privilege motion, which I would then have to consider under rule 43 (9). There would be some complications. Unless I am guided otherwise, I must declare that today is Tuesday. Can we have that clearly established? A number of things will flow. Therefore, I assume that that is clearly established.

Senator Kinsella raised the question of timeliness. Under the rules, two and a half hours are allowed to debate the motion that is presently before us, and that is whether or not we will accept the motion of the Honourable Senator Carstairs that there be a time allocation. If that debate is concluded before two and a half hours have elapsed, then we move directly into the debate on the bill itself.

Senator Lynch-Staunton has asked whether there would be the consent of the Senate to have amendments moved during that debate, contrary to the rules. I must ask the Senate, is there an agreement of the Senate to allow such motions?

Senator Carstairs: Honourable senators, there would be such agreement provided we do not have the two and a half hour debate on the time allocation motion itself.

The Hon. the Speaker: I had understood from Senator Lynch-Staunton that that was his proposal, that there would be no debate, and that we would go directly into the vote. In other words, we would have a vote on the motion for time allocation, and then we would go directly into debate on the bill. Is that agreeable to all honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: I must deal now with the question that was raised by the Honourable Senator Prud'homme, and that is the matter of the language of the amendments that are to be put.

Senator Prud'homme, we had this debate some time ago on a motion by the Honourable Senator Grafstein. We then looked at all the rules, and it is clear that motions and amendments need not be in both languages. They can be in either French or English; however, it is not necessary for them to be in both languages. Either language is acceptable. Therefore, I wish to make it very clear that there may not be translations for all of the amendments, and if there are no translations, I will not entertain a point of order in that respect because there will be no point of order. I wish to make that very clear so that we can eliminate any

possibility of discussion later on. Is that clear, honourable senators?

Senator Prud'homme: It has always been understood that in this country — and this has led to many bad discussions in committees of the Senate and of the House of Commons — any Canadian, including senators, can introduce a motion in either language. It is then left to the staff to put it into two languages. For instance, we had one this morning, which was hand-written by Senator Andreychuk, who very rightly put her motion, by hand, in English. However, the rule clearly says that the Clerk must then translate that motion and send it to each senator. We have an example right now in our hands.

Of course, a senator is not required to introduce anything in both languages. His duty is to introduce whatever he or she wishes. It is then left to the staff, under the responsibility of the Clerk, to translate and circulate that motion. If it were otherwise, then it should so state in the rules. I am positive on this.

The Hon. the Speaker: Honourable Senator Prud'homme, I do not think we should extend this discussion. It is clear that motions and amendments need not be in both languages. That is a definite situation, that one or the other will prevail.

You mentioned the case of the privilege motion. That is a different case. I refer you to rule 43(5), which clearly states that there must be a translation. That provision does not appear elsewhere in our rule book. Therefore, there is no question in that regard, one way or the other. Obviously, we try to accommodate all honourable senators. If there is time, we will provide the translation. However, I cannot guarantee that we will have the time to do that. If we do not, I repeat, those motions will be in order in whatever of the two languages they come.

Senator Prud'homme: Honourable senators, I give notice that during the next Parliament, I will meet with all the other members of this house who do not like that state of affairs, so that we can change the rules accordingly. Nothing should be circulated unless by agreement. Language is so technical, it is difficult enough to understand one language without being required to do so in someone else's language.

The Hon. the Speaker: What will be done insofar as the rules are concerned will be entirely up to the Senate.

Hon. Anne C. Cools: Honourable senators, I should like to add a little bit to this thought, because the question of bilingualism and the question of translation is frequently raised. I believe all honourable senators have sympathy with the fact that, wherever possible, documentation should be translated. However, we must differentiate between two questions: first, the spoken word, and second, the written word. The document that Senator Andreychuk caused to be circulated by the Clerk of the Senate is a written document. Therefore, that is a different situation. Motions and the moving of motions in this chamber are part of the spoken record. The tradition is that when we speak, simultaneous translation is provided, but we must differentiate between that which is spoken and that which is written.

• (1010)

Senator Prud'homme: Honourable senators, I do not like to pontificate, but I do not need any sympathy. When people start saying "I sympathize," I assure you that I will explode, and I am not the only senator who feels this way. I see another senator who is about to explode, too.

It is not a question of sympathizing or of being patronizing. It is a question of what is right. What is right is that a senator is able to function only in one language. Of course, that is what I have been defending all across Canada.

The amendments presented yesterday were very technical. The fact of the matter is that a senator who comes to the chamber to do his or her work cannot understand the proceedings unless they have a good knowledge of both languages. Senator Spivak put her motion in two languages, hence we could all understand it. The point is that if we receive amendments in only one language, one senator is able to function better than another, and in this Senate no senator should be put in that position.

The Hon. the Speaker: Honourable senators, I repeat that we will do everything we can, from a staff standpoint, to provide translations. However, there are time limitations, and we may not be able to do that at times, but we will certainly do everything we can. I agree with that principle.

Honourable senators, the question before the Senate is the motion by the Honourable Senator Carstairs, seconded by the Honourable Senator Robichaud (*L'Acadie-Acadia*), that pursuant to rule 39, not more than a further six hours of debate —

Hon. Senators: Dispense!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it. I declare the motion carried.

An. Hon. Senator: On division.

Motion agreed to, on division.

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Kirby, seconded by the Honourable Senator Sibbeston, for the third reading of Bill C-78, to establish the Public Sector Pension Investment Board, to amend the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the Royal Canadian Mounted Police Superannuation Act, the Defence Services Pension Continuation Act, the Royal Canadian Mounted Police Pension Continuation Act, the Members of Parliament Retiring Allowances Act and the Canada Post Corporation Act and to make a consequential amendment to another Act.

Hon. A. Raynell Andreychuk: Honourable senators, as you are aware, I was not part of the committee studying this bill. When this bill was first introduced in the Senate, I determined that it was just another piece of legislation that was more of a housekeeping nature. I quickly learned that, on the contrary, it was a fundamental piece of legislation that was of particular concern to the many Canadians who have served in the military, the RCMP and the Public Service of Canada.

My reason for rising today flows from a number of issues that trouble me in relation to this bill. These issues have been brought to my attention by the members who will be affected by this legislation. I can say that only the gun control legislation created more communication in my office, and more attention in the Province of Saskatchewan, than this bill. I have received correspondence by telephone, fax, e-mail and in person. This is not an issue that swirls around Ottawa; it is an issue that affects many Canadians.

My concern also is that there has not been a full opportunity for many people to come forward in a manner where they would be accepted. It appears that their chances of speaking to this bill have come at a time when the government has already made up its mind that it will not move, will not budge and will not listen to reason from any source.

In a parliamentary democracy, honourable senators, it is unfortunate that a government would make up its mind and not listen to people who are affected by legislation. Surely the government does not have a special position in this legislation. The government's role is to administer this pension plan on behalf of the citizens of Canada, and on behalf of those who will benefit from the plan. I have heard from citizens in Canada who believe that members of the plan should be an integral part of the management of this plan. Likewise, I have heard, in volumes, from those who will be directly affected by this plan.

The two issues that concern me greatly are, first, that the government continues to be litigious. The government puts forward legislation that it knows will be subject to a court review. As Senator Eugene Forsey said forcefully, it is not for a government in a parliamentary democracy to put people through the expense of a court hearing; put them through the trouble, the agony and the time to go through a court process to prove that legislation is wanting. We all know that legislation can end up in court. However, if already there are fundamental signals that there will be court scrutiny of the legislation, surely the government should listen; surely the government should answer; surely the government should amend its legislation to be in compliance with the reasonable comments and reasonable statements made by lawyers.

Honourable senators, a trend appears to be emerging with this government. I recall the gun legislation when section 35 of our Constitution was not appropriately applied. The aboriginal community had not been consulted. At that time, I recall very clearly Minister Rock saying, "If it does not comply, take us to court." In a democracy as mature as ours, surely people should not be forced to take their government to court in order to have them do the right thing. The government should do the right thing.

At every turn, people appealed through the committee, by way of the opposition, that the government take a second look at this legislation and make certain that it is in compliance and would not lead to immediate court scrutiny; yet the government has refused to listen.

My other difficulty with this legislation is that many people have asked to have someone on the management board from the unions to represent the people who will benefit from the pension. The government has said, no, not until the legislation is passed. The government is essentially saying that your opinions and your ability to contribute to the success of the fund are not important, and that it will determine later whether it thinks this is an appropriate option. What makes the government think that its experts are any better at managing a fund? Why should the members of a pension plan accept the government's superiority in this case, a government that, over many years, has created much of our debt and deficit?

Political parties, in their wisdom, perhaps, choose good people on management boards. However, surely those who are so directly affected by their pension should have a say. No one has come forward, as I understand it, to say that they should have complete and absolute control over the management of this fund. However, since they will be so directly affected, some representatives from the unions or employee groups should be at the table. Is this not good parliamentary practice? Is this not good

democratic governance? Is this not the way to build up good social capital for the citizens of Canada?

What would it have taken to have had the government add to the management process a measure of union representation? It would have given an assurance to the people that their funds are being looked after, and they would have had a double check on the system.

Nothing worries people more than their health today and their financial well-being in the future. Surely what civil servants, retired military personnel and retired RCMP officers are asking for is the chance to be part of the process and a chance to determine their own future. The government, in an arbitrarily and cavalier way has said, "Your opinion does not count." In a paternalistic way the government has said, "You are not as competent as we are to judge what is in your best interest." Surely, this is not the Canadian way. I appeal to the government to reconsider its position.

• (1020)

The money looked at by this plan will grow quickly to exceed \$100 billion. The longer the government waits, the greater the consequences of a flawed structure. The government borrowed from its flawed legislation on the CPP Investment Board using that as a framework for this board. It did not bother to ask anyone whether the legislation was appropriate for an employee pension board. It did not bother to ask anyone what kind of skills directors should bring to the board table. It did not bother to ask that the relationship between the board and the actuary be spelled out in law. It did not bother to ask anyone if the board would be subject to adequate safeguards to protect the interests of both taxpayers and plan members.

Honourable senators, the government did not bother to listen to any of the testimony before either the Standing Senate Committee on Banking, Trade and Commerce or the Natural Resources and Government Operations Committee in the other place. It ignored everyone and everything.

The government promises to sit down with its unions to negotiate joint management as soon as the bill is law. However, for now, the government feels that the bill is just fine. Is this the way to govern in a democracy? Is this the way to be inclusive? Is this the way to ensure that people contribute and are part of a parliamentary democracy?

There must be an early review of this board and its operations to ensure that a board charged with investments in excess of \$100 billion is not mismanaged or incapable of carrying out its mandate in a professional manner. It must not be allowed to continue without the input of plan members. Ideally, Parliament should have a role in reviewing the nature of the plan, its management practices, and attempts by the parties to find common ground in reaching agreement on changes to the plan.

If not a parliamentary committee, then some kind of other independent review is warranted. While the legislation creates consultative committees, the acrimonious circumstances under which these are to be created call into question their potential effectiveness as vehicles for further reform. There must be a formal means to monitor the effectiveness of the committees and to monitor the board's management practices.

In committee, the government pointed to the six-year auditor's review of the board's accounting and management practices, namely, the special examination, as a reason not to make parliamentary review mandatory after three years. Given the amount of money to be invested, six years is far too long to wait for such an internal review. A special examination is not the same thing as public hearings by a review committee mandated to call witnesses, hold public hearings and make recommendations on several issues to which the government is committed to respond in writing.

We must also remember that the auditor is not independent. He or she is appointed by the board. How anxious will the auditor be to expose bad managerial practices on the part of those whose favour must be kept if the appointment is to be kept? At least there is an appearance of difficulty here.

We believe that the legislation should be amended to provide for a mandatory review within three years, as was recommended last June by the Senate Banking Committee. In this regard, the committee's report is worth noting. It states, in part:

Bill C-78 would establish a Public Sector Pension Investment Board to invest employer and employee contributions to the federal public service pension plans. The Committee believes that, since the creation of the proposed Board and the investment of contributions by it would be such a significant change from the current situation, the operation of the proposed Board, as well as its investments, communication vehicles, etc., should be reviewed after an appropriate "start-up" time to ensure that the proposed Board is operating as planned. This is particularly important given the Committee's concerns about governance and accountability. For this reason, the Committee recommends that:

the President of the Treasury Board initiate a Parliamentary Review of the operation of the proposed Public Sector Pension Investment Board no later than three years after the coming into force of Bill C-78.

MOTIONS IN AMENDMENT

Hon. A. Raynell Andreychuk: Therefore, honourable senators, I move:

That Bill C-78 be not now read a third time but that it be amended,

(a) on page 28, by adding after line 7 the following:

"THREE-YEAR PARLIAMENTARY REVIEW

53. (1) The administration of this Act shall be reviewed on a permanent basis by such committee of the Senate, of the House of Commons or of both Houses of Parliament as may be designated or established for that purpose.

(2) The committee designated or established for the purpose of subsection (1) shall, not later than three years after the coming into force of this Act and every three years thereafter, undertake a comprehensive review of the provisions and operation of this Act and shall, within a year after the review is undertaken or within such further time as the House of Commons may authorize, submit a report to Parliament thereon including a statement of any changes the committee would recommend."; and

(b) by renumbering clauses 53 to 231 and any cross-references thereto accordingly.

Honourable senators, I have another amendment to which I would like to speak. Should they be moved separately, Your Honour?

The Hon. the Speaker: It would be preferable if you moved both of your amendments at the same time at the conclusion of your speech.

Senator Andreychuk: Honourable senators, it is most unfortunate that the government senators are unwilling to enshrine in law recommendations made by a Senate committee. Ideally, this review would be done by a parliamentary committee as recommended by the Banking Committee last June. However, anticipating that there may be difficulty with the first amendment, I am proposing that some other independent committee be formed.

I believe that a parliamentary committee and an independent review committee would be desirable. Certainly, one is not dependent on the other. My preference is that there be at least a parliamentary committee. Therefore, I suggest that, in the absence of any request from the government that such a review take place, a committee of Parliament of its own initiatives ought to hold hearings within that period. The hearings would examine the effectiveness of the consultative bodies created by the bill, the extent to which recommendations of the Senate had been acted upon, the management of the plan, and any other public-sector pension issues that interested parties and parliamentarians may care to bring before it.

One way or another, whether or not it is done by a committee of Parliament, there ought to be an independent review of this board. Perhaps, if government members are not willing to have a parliamentary review, they would be open to hearing from an independent review. Therefore, I move:

That Bill C-78 be not now read a third time, but that it be amended,

(a) on page 28, by adding after line 7 the following:

"THREE-YEAR REVIEW

53. Three years after this Act comes into force, the Minister shall cause an independent review of the Act and its administration and operation to be conducted, and shall cause a report on the review to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the review is completed."; and

(b) by renumbering clauses 53 to 231 and any cross-references thereto accordingly.

[Translation]

The Hon. the Speaker: It is moved by the Honourable Senator Andreychuk and seconded by the Honourable Senator LeBreton:

That Bill C-78 be not now read the third time but that it be amended.

(a) on page 28.

Hon. Senators: Dispense!

[English]

• (1030)

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Sharon Carstairs (Deputy Leader of the Government): No.

The Hon. the Speaker: Are there any other honourable senators who wish to take part in the debate?

Hon. Marjory LeBreton: Honourable senators, I am very pleased to participate in this most important debate on Bill C-78. As many of you know, I am a native of Ottawa. I say that to make the point that I am perhaps more sensitive than most to "Ottawa bashing." I heard the argument advanced, when the \$30-billion pension grab was first proposed, by those who supported the government's actions that Canadians will not give a hoot about a bunch of so-called "fat cat" public servants in Ottawa. Unfortunately, public-service and Ottawa bashing has reached new heights. They are targeted by the Reform Party with its hot-button anger-driven politics, which creates a them-against-us mentality, and they are unsupported by the government, which has asked public servants to endure every manner of sacrifice, downsizing, restructuring, which I hasten to add they supported and implemented. Now these very same

public servants are expected to sit silently by as the pension fund surplus is picked from their pockets by a government that will use the money to play its deficit-surplus-debt-reduction shell game.

When I speak of public service, honourable senators, I of course refer to the entire public service, including the RCMP and the military. Who are these so-called "fat cat" public servants who live in the Ottawa area? Just as a matter of record, Ottawa is not a public service town. The vast majority of people who serve in the public service live elsewhere in the country. As a matter of fact, less than one-third of the public servants who serve our government live in the greater Ottawa area.

Honourable senators, public servants are the backbone of government. Before Parliament recessed last June, we all received a book outlining the services provided to Canadians, services that impact on their day-to-day lives. These services — and that book was a very interesting read — go unnoticed by most Canadians — that is, of course, until the services are not there, and then there is great hue and cry.

One of the arguments we hear is that the public servants will get the pensions they have been promised and therefore the surplus belongs to the government. But will they get the pensions they have been promised? A previous Liberal government rolled back promised pension benefits through the 6-and-5 program, and as Sharon Hamilton of Treasury Board testified before the Banking Committee, the government could very well do so again.

Honourable senators, just like 6-and-5 and wage-and-price controls in the past, this Liberal government of Jean Chrétien and Paul Martin, Jr. has consistently broken its promises to the public service. Back in 1993, the Liberals published a pre-election paper entitled "Liberal View on Government Reorganization." In that document, we were told that the Liberals were committed to the process of collective bargaining; nevertheless, their very first budget delayed for two years the resumption of collective bargaining on substantive issues like salaries.

At the same time, they promised to bring in legislation to protect public servants who blow the whistle on illegal or unethical behaviour. No such legislation has been introduced, even though, as members of Agriculture Committee will attest, it is badly needed. Just ask Dr. Chopra.

The Liberals told the Professional Institute of the Public Service in a 1993 questionnaire that changes to the workforce adjustment policy would best be done through negotiations — another commitment not worth the paper it was written on. The 1995 budget unilaterally suspended some provisions of the workforce adjustment directive for several major departments, and I will name just a few to see how major they are: Agriculture and Agri-Food, Environment, Finance, Fisheries, Human Resources, Industry, National Defence, Public Works, Transport, and Treasury Board. Is there anyone left?

Their 1993 Red Book also promised to cut spending on outside professional services by \$620 million per year. Those sleazy Tories and their crony friends had to be stopped! Today, honourable senators, government departments are crawling with consultants doing the work that used to be carried out by the public service. Spending on professional and special services climbed by \$500 million between 1993 and 1997 — in four short years — 1997 being the latest year for which public accounts data are available. Honourable senators, \$620 million and \$500 million is \$1.1 billion. Talk about broken promises — expensive broken promises!

Honourable senators, this government cannot be trusted to treat the public service fairly. We are consistently told by this government that this pension plan is different because it is a legislated plan rather than a traditional legal-trust type of arrangement. I am not a lawyer, but I know one thing — there is no trust, legal or otherwise, when it comes to this Liberal government. Money contributed to a pension plan ought to be treated as funds that are held in trust even when there is no formal legal-trust arrangement.

Honourable senators, there is not a shred of doubt that what this bill is all about is \$30 billion. The government has borrowed against its own employees' trust, and now the government asserts that the \$30 billion belongs to the taxpayers and that it should be government revenue. The government is totally ignoring the fact that this surplus was built up by employee contributions.

I am a taxpayer, honourable senators, just like you, and I for one do not want to be further taxed in a few years for a deficit in this fund; however, honourable senators, that is exactly what will happen. Furthermore, the much-maligned public servants will take it in the neck again because government will not explain that their grab of the pension fund is what caused the problem in the first place.

Surely, honourable senators, it is not unreasonable to demand that a significant portion of the \$30 billion be left in the fund. As a taxpayer, I would welcome that because this is about trust.

As many honourable senators know, I have been closely monitoring the government's promises for several years now. It is not a job I sought, but I have become somewhat of an expert on this government's broken promises. Now I am beginning to predict them, a task that really is not so difficult.

Surely, honourable senators, if we are serious about our responsibility to the Canadian public, and if we believe that we are the chamber of serious second thought — I like the word "serious" better than "sober" — then you cannot but agree that there is a case to be made to strengthen this bill in any way we can. The minister is on record as saying that she will bring in amendments to this legislation almost as soon as it is passed. What an admission of incompetence: Pass the bill and then immediately try to fix the mess. It is the same story as with

Bill C-32. Let us save Parliament and our courts and our public servants some costly time and money and do our job now.

We have been through all of this before. Many of the sins of Canada Pension Plan Investment Board are back with us again in the proposed Public Sector Pension Investment Board. When the Senate Banking Committee looked at the CPP board last year, it made a number of recommendations to strengthen the governance structure set out in the law. Unfortunately, the government chose to ignore that report when it drafted this bill, Bill C-78.

One of the Banking Committee's recommendations concerned the appointment of the auditor. As was the case with the CPP board, Bill C-78 gives the proposed Public Sector Pension Investment Board the power to hire its own auditor. Honourable senators, the first responsibility of any auditor is to protect the stakeholders. The auditor is not there to protect the board, and he or she should not feel any pressure to turn a blind eye to the board's attempts to engage in fancy bookkeeping. You cannot be 100 per cent independent if you live in fear that, if your message has bad news, you as the messenger will be shot.

It is for that reason that, in the private sector, the final decision to hire or fire an auditor rests with the shareholders. Private sector managers and boards may recommend that a particular auditor be hired or fired, but they cannot do this by themselves. I might add that, in the private sector, an auditor who objects to being fired has the right to set out in a letter to the incoming auditor the reasons he or she objects, and the incoming auditor is required by law to read that letter before taking up his or her new duties. This basic safeguard is there to ensure that shareholders' interests are protected when an auditor is let go after catching the scent of something rotten.

Honourable senators, most federal statutes either spell out in law that the Auditor General is the auditor or assign responsibility to the ministers for hiring the auditors. Boards simply cannot hire their own auditor.

• (1040)

Our preference would be for the Auditor General to audit this fund, as it is done in Quebec with the Caisse de dépôt et placement du Québec.

The basic principle that you do not pick your own auditor even applies to the government itself. The Auditor General reports not to the Prime Minister, not to the Minister of Finance, not to the president of the Treasury Board and not to the Minister of Public Works; he reports to Parliament. He can issue reports telling Parliament that the books are cooked, as he has done for the past three years in a row, and not worry about being fired. He can tell Parliament that billions of dollars are being wasted, as he routinely does with his annual report, and not worry about being fired. He can tell Canadians that Health Canada's food safety program is not up to snuff and not worry about being fired.

The question surely is how the auditor of the proposed Public Sector Pension Investment Board will be able to report to Parliament, without fear of retribution from the board, that the board has engaged in fancy accounting practices. It is to be hoped that the board will hire a reputable auditor. Most are reputable, but there is always the danger that the fear of dismissal could influence the auditor on calls that could go either way. That is why the Auditor General should be the auditor of this \$100 billion pension fund.

Honourable senators, I gave the Table a copy of my motion in advance of my speech so that they could translate the motion because I only have it in English.

MOTION IN AMENDMENT

Hon. Marjory LeBreton: Therefore, honourable senators, I move:

That Bill C-78 be not now read the third time but that it be amended,

(a) on page 15, by adding after line 9 the following:

"27.1 The Auditor General of Canada shall be the primary auditor of the Public Sector Pension Investment Board.";

(b) in clause 28, on page 15, by replacing line 10 with the following:

"28. The audit committee shall be responsible for presenting all records of all financial activity of the Public Sector Pension Investment Board to the Auditor General on an annual basis. In addition, the audit committee shall"; and

(c) in clause 36, on page 19, by replacing line 2 with the following:

"auditor's report to be prepared and presented to the Auditor General of Canada, in respect of."

[Translation]

The Hon. the Speaker: Honourable senators, it has been moved by the Honourable Senator LeBreton and seconded by the Honourable Senator Nolin:

That Bill C-78 be not now read the third time but that it be amended as follows —

[English]

Hon. Sharon Carstairs (Deputy Leader of the Government): Dispense!

The Hon. the Speaker: Honourable senators, in accordance with our understanding, we will now proceed to further speeches. I want to thank the Honourable Senator LeBreton for having provided us with the copy earlier so that we could have it translated.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, last week I spoke on the amendment moved by Senator Kelleher. This morning I rise on the main motion, the debate on third reading. I do not intend to repeat everything I said last week.

Last Friday, I asked my colleagues from the government three things. I shall repeat them. I have not yet had any responses to those three questions. First, why is the government, which strives to protect retirees and workers from the private sector, suddenly changing its policy when it comes to the public funds that it is administering without complying with its own legislation? This seems to me to be a worthwhile question. I could stick to just that one until I get the answer, which is still forthcoming. I trust I shall get it before the end of the debate. Second, should the government not recognize that the two decisions mentioned above ought to apply to Bill C-78, even though the context is not the same? Third, does the government not have any hesitation about infringing on its employees' right to retirement? We are still awaiting the answers to these questions, as I have already said.

Honourable senators, who think they have answered my questions, will recall my saying last Friday that the Quebec courts have recognized that the establishment of a pension fund creates a contractual relationship. One of the judges even wrote that a contract existed since the two parties concerned by such a plan may, on the one hand, claim certain rights, while on the other hand they are bound by certain obligations. That is the essence of our little debate.

What we have here is not contract law but a legislative regime. Regardless of which it is, there is a contract between the parties. In the second decision I mentioned last week, Mr. Justice Fréchette ruled that there was a contract — and that it was legislative in nature, solely on the basis that the parties sought or reached agreement — since both parties concerned by such a plan may, on the one hand, claim certain rights, while on the other hand they are bound by certain obligations. Even under a purely contractual regime, there are rights and obligations.

If the provisions of this agreement are silent with respect to the allocation of the surplus — it is a simple matter when provision is made — the rules apply. The courts have told us that the parties must use these rules to reach agreement on allocation of surpluses. If there are no such stipulations in the agreement, you must renegotiate. It does not strike me as all that complicated. No one may unilaterally lay claim to the surplus, not even the federal government.

I heard Senator Christensen make the following argument: When a government employee leaves after working the required number of years, I think it is six, he may withdraw his contributions, but only his, not the employer's. Do you know why? Because it is so provided in the plan. The parties have agreed on this. No other course of action is possible.

In the case of the \$30-billion surplus, the bill will make provision for how this amount is to be distributed. This is where I have a problem and where I do not agree with your bill. You are going to appropriate something that does not belong to you. There is another word to describe this state of affairs that I may not use in this place, but it is exactly what you are going to do. You do not have the right to do this. The surplus belongs to the plan and the plan was created for the benefit of retired contributors, not the government.

[English]

• (1050)

Hon. J. Michael Forrestall: Honourable senators, like my colleague from Ottawa, I also come from an area heavily populated with public servants, particularly of a military nature.

It would be other than responsible on my part not to participate to some degree in this debate. I have followed the debate closely, and I share the concerns of public servants in the Halifax area. They believe that something wrong is happening. They believe that their future is being endangered. As they see it, if the government can do this, it can do pretty much what it wants to with the fund.

I wish to associate myself with the remarks of Senator LeBreton and with others who will speak and who will move thoughtful amendments in the hopes that this bill might be put aside and revisited.

The primary purposes of this bill ought to be dealt with at greater depth. That opportunity has been denied the Senate. The uncertainty of events leaves me with only one certainty and that is that I probably will not be here to vote. Were I able to be here, honourable senators, I would vote for each and every amendment put forward by this side of the chamber.

Hon. Michael A. Meighen: Honourable senators, I rise to join the Honourable Senators Tkachuk, Stratton, Kelleher, Nolin, LeBreton, and Andreychuk, and I am sure many other honourable senators who would voice similar sentiments to those that we have heard this morning.

Their concerns were well and comprehensively articulated and bear careful consideration by members on both sides of this house. Certainly, they convinced me and I would only wish that the government would listen a little more sensitively and in a more understanding fashion to these legitimate concerns.

For my part, I wish this morning to touch on a few issues of governance. However, before doing so, I should say a few words

on how this government has conducted itself with respect to Bill C-78.

Frankly, honourable senators, we have here the latest example of spin doctoring. The spin doctoring that is going on with respect to this bill is the spin that the pension surplus is a game of taxpayers trumping civil servants. I do not think that is what it is in any of our minds.

If Canadians had a choice, they would put a different spin on this bill. Their spin would be, I feel sure, that they want to deal with the surplus on the basis of fairness for all, not on the basis of one-upmanship.

Canadians would wish to ensure that the surplus is shared, perhaps not evenly, but shared nonetheless. They would not side with government greed, or greed on any side.

I say this because if we look at pension plans in the public sector, such as that of CMHC, or in the private sector, such as Dofasco, we see employers sharing in the pension surpluses with their employees, even when not obliged to do so. Here, on the other hand, honourable senators, we see a government that has one regime for the private sector under the PBSA, and another rule for itself. A simple case of what is good for the goose is not good for the gander.

Consequently, honourable senators, it will be the courts that will decide whether the government is entitled in law to the surplus. Whatever the outcome of this course of action that the government insists on pursuing, it will cause untold and unnecessary damage to employee morale and to the constant fragile state of employer-employee relations.

Honourable senators, Bill C-78 is not about entitlement to the surplus because, as pointed out by my colleague Senator Nolin, the government is aware that Bill C-78 does not create any legal entitlement to the surplus but is, rather, premised on the belief of entitlement.

One can only question the motives of this government regarding Bill C-78, given the apparently certain prospect of lengthy and expensive litigation. Such litigation, honourable senators, will surely result in nothing more and nothing less than a lose-lose situation for everyone. The government will lose, public servants will lose, the Canadian taxpayers will lose; the only winners, God bless them, will be the lawyers.

In testimony before the Senate Banking Committee, Minister Massé said that lawyers would be dealing with this proposed legislation for the next 10 years. I think the minister was being optimistic.

Why are we having the spin doctoring? Why are we having this shell game? This government shies away from the difficult decisions on reducing government spending that were begun by the Mulroney government when government operations were brought into the black for the first time in decades. This

government chooses to sidestep such decisions and manipulate perceptions by moving the shells on the table: \$26 billion from the Employment Insurance fund, \$20 billion from transfers to the provinces, and now \$30 billion from the public sector pension plan. This government continually forgets that there is only one taxpayer, one taxpayer who pays both federally and provincially. It is that taxpayer from whom the money is being taken away.

To more fully explain the effectiveness of the government manipulating perceptions regarding Bill C-78, we need look no further than the decision not to consult prior to the introduction of the bill and to directly and indirectly limit parliamentary debate. When taken all together, the Liberal Party has moved decisively in ensuring that this bill is dealt with quickly. That is rule number one of effective spin doctoring.

In June, when I asked in committee whether the government had consulted anyone on the structure and powers of the Public Sector Pension Investment Board, the answer I received was "no." Treasury Board officials admitted that they did not ask anyone outside of the government whether or not the accountability framework in this bill was appropriate. No outside pension experts were asked for their opinion. In light of what we have heard this morning, I think we all know what their opinion would have been.

What this bill contains, honourable senators, is the board governance structure of the Canada Pension Plan Investment Board Act. Honourable senators will recall that our Banking Committee raised numerous concerns in our final report, concerns relating to transparency and accountability, the term and qualifications of directors, the auditing function, conflicts of interest, the investment fund, and the foreign property rule.

While the work of the committee and later of this chamber was important enough for the government to agree to delay the coming into force of the governance and investment provisions of that bill, the Finance Minister stated that provincial agreement would need to take place prior to the committee's recommendations being incorporated. It is my understanding that the federal-provincial negotiations on the CPP will wind up this fall. I am sure all honourable senators will join me in wishing for the approval of recommendations made by our Banking Committee.

There is a between-negotiations phase that is taking place and that should be taking place. That is the difference with the bill that is before us today.

I know honourable colleagues on all sides are wondering why the Prime Minister, the Minister of Finance, the Treasury Board president, and other cabinet members, including the Leader of the Government in the Senate, who is known to be a supporter of this chamber and our committee and its work, would permit the same flawed governance structure of the Canada Pension Plan Investment Board Act to be inserted *holus-bolus* in Bill C-78. One would think that the 11th-hour agreement to address the concerns of this place regarding the CPP board would have been taken seriously in the drafting of Bill C-78.

Alas, such was not the case; today, the Senate is debating Bill C-78 at third reading. The bill establishes the proposed Public Sector Pension Investment Board using, as I said before, the same flawed investment board model found in Bill C-2.

In addition, I cannot help but wonder if any thought was given to whether the governance structure of the Canada Pension Plan makes sense for an employee pension plan, even when improved by adopting the suggestions of the Senate Banking Committee. It is quite a different kettle of fish but the same governance structure.

Consequently, honourable senators, the bill before us does not set out a system that constitutes best practices for establishing an investment board. It should not be brought into law.

Consensus exists on the matter of a joint board to manage the plan but Bill C-78 does not establish a joint board. Rather the President of the Treasury Board merely gives us an undertaking to continue trying to come to some kind of agreement with the unions on a joint board. However, it appears that this undertaking was predicated on the prior willingness of the unions to entirely forgo their rights to any part of the existing surplus — an agreement which I believe the minister knew all along was simply not on.

Without a joint management board, issues of accountability, investment rules, access to information, the skills of board members, the relationship of the board to the actuary, and so forth, are just that much more serious and troubling.

Bill C-78 does not permit plan members the right to seek information under the Access to Information Act. The annual report will not provide the kind of information one needs to ensure the discretionary powers are being exercised in an appropriate manner.

Bill C-78 does permit the board to hire and fire its own auditor. This was a serious concern of the committee. Senator LeBreton touched on this earlier today. We were concerned about this with respect to the CPP Investment Board. All honourable senators should be concerned with the lack of best governance practices regarding an auditor, remembering the board of this public sector plan will be responsible for investing more than \$100 billion of employee and employers' funds.

Ideally, the best auditor for this pension plan would be the Auditor General as found in Quebec in the case of the Caisse de dépôt et de placement. Failing this, the auditor should be named by the minister as recommended in our study of the Canada Pension Plan Investment Board.

The qualification of board directors is another area of concern. This bill establishes a board nomination process in which the final selection of the board is made by the minister. Again, I question if any thought was given as to whether the governance structure of the Canada Pension Plan makes sense for an employee pension plan.

To close, honourable senators, I focus for a moment on one of most important players in the management of any pension plan — the actuary. Bill C-78 incorporates, dare I say blindly, the same model as found in the Canada Pension Plan Board. In fact it gives this plan the same actuary as that of the CPP board. I am sure all colleagues were astonished to learn that the bill fails to provide for an independent actuary free from political pressure. It fails to establish any direct relationship between the setting of premiums and the actuary's report. Accordingly, the minister may decide premium levels, leading many, including public sector unions, to be concerned about the possibility of artificial surpluses in the future.

Honourable senators, the role of the actuary in advising the plan's board on its investment horizon should be of deep concern. If we read carefully the board's terms of reference, we will not find any requirement for the board to dialogue with the chief actuary. I question how the board will be able to understand the nature and duration of its liabilities so that the investments of the plans can be made in a responsible and prudent manner.

Bill C-78 certainly does not contain any of the best governance practices that are currently in use in the private sector. In my view, honourable senators, there is no alternative but to defeat this bill since most of the problems and deficiencies of plans are sins of omission rather than sins of commission. Bill C-78 commits many sins of omission by failing to implement good governance practices.

So, honourable senators, we must prepare ourselves for what promises to be the inevitable result — inadequate professional work, inappropriate investments, conflicts of interest, excessive or inappropriate plan expenses and lack of understanding of fiduciary responsibilities and what one should expect as a member of the board from the board's professional advisors.

Bill C-78 should address at the very least good corporate governance, the proper delineation, organization and oversight of the roles and responsibilities of those persons having fiduciary obligation to the plan or to its members. Since it utterly fails to do so and given its serious shortcomings in other areas, as described by a number of colleagues this morning, I urge all honourable senators to defeat this bill. Failure to do so will have serious long-term consequences not only for public service employees but also for all-Canadian taxpayers. These unfortunate consequences can be avoided. I urge the government to rethink its position and do just that.

[Translation]

Hon. Gérard-A. Beaudoin: Honourable senators, now that the debate on Bill C-78 is entering its final phase, I should like to make a few brief comments on one particular issue.

At one point, the Honourable Michael Kirby, the chairman of the Banking, Trade and Commerce Committee, addressed the

roles of the Senate and the courts of law when a bill is before Parliament. The Leader of the Opposition, Senator John Lynch-Staunton, took part in the debate, and the ensuing exchange of views was most interesting.

Without a doubt, a controversial bill can be challenged before the courts. This is a very frequent occurrence. This must not, however, ever prevent us from having a thorough debate in the Senate or in our committees, or from reaching our own conclusions.

Of course, once a bill is passed and goes before the courts, we bow to the judgment of the Supreme Court. That is our system, one that is much to my liking. The Court does its job well.

But how many times has the Supreme Court said that the lawmakers must also do their own job? The legislative branch, that is the Senate and the House of Commons, must do its job and must never hesitate to play its full role. I am not the only one saying this. In a recent judgment, *Beaulac*, the Supreme Court found that Parliament has an important role to play in linguistic matters, since these are rights of an institutional nature.

How many times have I heard it said that the courts are too powerful? I do not share that opinion. In doing our job we are establishing a healthy balance of power between the judiciary and the legislative.

We must never abandon part of our legislative role on the grounds that the court will settle the issue. We must do our job and let the court do its job in due course.

All aspects, including the legal and the constitutional, absolutely must be addressed here in this forum of all Canadians.

It is not my intention to exhaust the topic of the relationship between Parliament and the court. That could take up hours of debate and we will have ample opportunity to do so when the Senate resumes again, but at least I wanted to raise the point that, if the court does its job, that does not release us from the obligation to do ours.

[English]

• (1110)

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I have a few remarks to make on this bill, particularly in reference to the procedure through which we have had to suffer, and also a few comments on how the Senate has been treated.

Quite frankly, I am aware that I will not change anyone's mind about supporting the bill, but I will use some fairly harsh language and simply say that this has not been the Senate's finest week. As Senator Buchanan said yesterday on Bill C-32, we are knowingly being asked to pass bad legislation.

In the case of Bill C-32 and now in the case of Bill C-78, one only need read the reports of the committees on each bill to find in them, one perhaps more direct than the other, anxiety about some of the clauses in the bill. Yet, both committees say that despite our reservations, despite our concerns, in effect despite our knowledge of the major flaws in both bills, we should pass them anyway. Why? Simply to meet a self-imposed partisan deadline called prorogation.

Prorogation is simply a ceremonial ending of one session preceding a new one. There is no need for prorogation. There is no requirement in the statutes, even less in the Constitution, for a prorogation. The Prime Minister hopes to, in the Speech from the Throne, set out a new course for the Parliament and the country in the next century — the next millennium. These are the buzzwords. He is asking the Senate of Canada to be a party to his political schedule, regardless of the weaknesses of the two bills still before us.

In the case of Bill C-32, the new Minister of the Environment was no sooner in office than he said in a radio interview, "This bill must go through; we have discussed it long enough." That was even before the Senate entertained it. So much for the respect that one minister showed for this house.

By forcing closure, the government is sanctioning the abdication of our responsibilities as senators to assess responsibly and scrutinize closely major legislation, all in order to meet a self-serving deadline which has no reason for being except to serve the government party's interests.

To acquiesce to this process by supporting this bill today is simply to convert us into a mirror image of the other place. There, the majority has become a lifeless entity whose role is to blindly obey instructions emanating from the Langevin Block. It is as simple as that. I am sure those across the way hear in their caucus constant complaints about the diminished role of the elected representatives on the government side. It is a fact, and it is not new. It has been going on for at least two decades. The trouble is that it is getting worse. I sense that we are now being, as senators, drawn into that category of, "Follow orders, do not discuss, and just do what you are told."

The other day, Senator Stewart made some very interesting comments comparing our parliamentary system with the congressional federal system in the United States. He came down on the side of the parliamentary system. For my part, I find that in the congressional system, the federal system in the United States, there are tremendous advantages which favour the elected representative. True, party lines there are blurred and obscured. The names may mean one thing, and those who support one party

or the other more often resemble each other than not, but at least the elected representative in Congress has a say in the tailoring of laws, in the development of laws, in the passing of laws, and in rejecting the executive's proposals. Here in the Canadian parliamentary system, we are becoming, willingly or not — at least the House of Commons has, and perhaps the Senate — more and more subservient to the dictates of the Prime Minister's Office and the unelected people around him. Even ministers are subservient to that system. We have heard these arguments before.

It is up to the House of Commons to re-establish its authority, but it is up to the senators to ensure that their authority is not whittled away. Through the imposition of closure on these two important bills, only to meet a deadline decreed by the political authority, we are conniving in the new system of having everything directed from central headquarters.

Bill C-32 is in the past.

In Bill C-78, the main issue is that of the ownership of the so-called \$30-billion surplus. The government has told us that the actual ownership, while claimed by it, has yet to be settled and can only be settled by the courts, although in the bill the disposal of the surplus is based on the premise that the government owns it completely. There is nothing in the bill which allows for a joint ownership, whatever the division. There is nothing in the bill which says that should the unions be allowed a certain percentage and the government the balance, then the allocation will be based on a different formula. The whole surplus is assumed to be the property of the Government of Canada.

The government says, "If there is a contestation to that claim, you can go to the courts." The government from the beginning said, "We will not discuss the ownership of the surplus. Unions, if you want to talk about the joint management board and other issues arising from this bill, keep the surplus off the agenda or we will not discuss any items with you."

For that reason, the Senate agreed in June to refer the bill back to the committee and asked it to report no later than September 7. That was to allow the unions and the Treasury Board to sit down and discuss outstanding issues, particularly that of the joint management board. I understand that the unions were becoming less insistent on having the surplus as part of the agenda, or at least that is what one hears, but I have yet to have that confirmed. In any event, no meetings were held despite the fact that a branch of the Parliament of Canada urged the Treasury Board to do so.

Our recommendations were completely ignored. It is not just that the Opposition feels frustrated, but the entire Senate should feel the same way. It was a strong recommendation of the Senate — not an instruction, because we cannot instruct — an urging to the Treasury Board to sit down with the unions and discuss outstanding issues. The government refused, so we are no further ahead today than we were in June.

As Senator Beaudoin said, in a way, we are going through the same frustrating debate we had during the Pearson debate. At that time, there was a serious concern about the constitutionality of certain clauses of that bill. Honourable senators will recall that the entire executive of the Canadian Bar Association unanimously found certain clauses of that bill, in their mind, unconstitutional. Our recommendation to the government was, "Why not refer it to the Supreme Court, have them decide, and then take it from there?" The same thing, as Senator Nolin has outlined, should have been done in this case. Make a reference. Get a mediator. If the two sides cannot agree, get a third party. However, all that should have been done before passage of this bill because by passing the bill without one of the key elements in it being resolved, we are abdicating our legislative responsibilities and telling the courts, "You resolve the outstanding issues for us."

• (11:20)

How many times have parliamentarians complained that the courts encroached on Parliament? How many times have parliamentarians complained that the interpretation given certain legislation, no matter the court, goes against the will of Parliament? Why should we encourage the courts to do our work by having the government say: "Well, you know, we cannot be bothered talking to the other party regarding the surplus. We have a deadline. We want to get out of here. Tell the house not to come back on Monday. Therefore, that must be done by Friday. We are imposing closure. Hold your nose, pass the bill, and then if the unions want this issue resolved let them go to the courts."

That is not the way to treat this proposed legislation. All efforts must be made, as much as possible, to avoid court challenges; in this case, we are encouraging them. By doing so, we are abdicating our responsibilities as legislators. I would ask honourable senators across and all those who are called on to support this bill to keep in mind that, by supporting the bill, as much as it has many positive features, you are in effect supporting the thesis that the courts should more and more have a say in the legislative process.

I will not talk more on the bill itself. I will, however, point out that by supporting this bill we are going far beyond altering the pension scheme for our public servants, for the RCMP, for the Armed Forces, and for the post office. We are sanctioning the whittling of our authority. We are conniving with the Prime Minister's Office in supporting an agenda that has been set out simply to suit the government. We are dismissing concerns expressed over these two bills. Even Senator Taylor had the effrontery, in his comments on Bill C-32, to insult certain witnesses by saying that they were exaggerating the negative features of the bill simply to position themselves to raise more money for their efforts.

Senator Taylor: It is true.

Senator Lynch-Staunton: With that kind of argumentation, how can we have a positive, intelligent debate based on the

concept that this is a chamber of sober, second thought? Read the report on Bill C-32. Read the report on Bill C-78, where there are phrases like "the committee is deeply disturbed." In another paragraph, the committee is "outraged." Disturbed, outraged, concerned, bad bill, full of flaws, outstanding issues not resolved: "Pass it anyway. The Prime Minister wants to prorogue. He wants a Speech from the Throne. Clean the slate, start over again, and we will fix it after."

Bill C-32 contains a clause that provides for a review in its fifth year, like its predecessor, Bill C-88. The committee said that, in effect, this bill is so bad that as soon as it is passed let us start reviewing the legislation right away. That is the kind of legislation we passed yesterday, knowing that it was so bad, so flawed, so weakened by the lobbying efforts of vested interests that the committee unanimously agreed that no sooner is there Royal Assent let us sit down and start reviewing the bill. That is the kind of legislation we passed yesterday, and that is, to a certain extent, the kind of legislation we will pass today, simply to serve the interests of the governing party.

As I said, I believe that nothing I say will change the vote on the other side; however, I hope it will cause them to reflect and perhaps when we face this situation again we will not take the ultimate step as we are asked to be do so shamelessly today.

The Hon. the Speaker: If no other honourable senator wishes to speak, we will then proceed to the motions.

It was moved by the Honourable Senator Kirby, seconded by the Honourable Senator Sibbeston, that the bill be read a third time now. It was then moved in amendment by the Honourable Senator Andreychuk, seconded by the Honourable Senator LeBreton, that the bill be amended, and you all have copies of the amendment.

Shall I dispense with the reading of the motion in amendment?

Hon. Senators: Dispense.

The Hon. the Speaker: It was then further moved in amendment by the Honourable Senator Andreychuk, seconded by the Honourable Senator LeBreton, a second amendment, which you have in your hands.

Shall I dispense with the reading of the motion in amendment?

Senator Carstairs: Dispense.

The Hon. the Speaker: A third amendment was then moved by the Honourable Senator LeBreton, seconded by the Honourable Senator Nolin, and again you have that motion in your hands.

Shall I dispense with the reading of the motion in amendment?

Senator Carstairs: Dispense.

The Hon. the Speaker: The immediate question before us then is the third motion in amendment, which was moved by Honourable Senator LeBreton, seconded by the Honourable Senator Nolin.

Will those in favour of the amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed to the amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen.

The Hon. the Speaker: Call in the senators.

Is there an agreement concerning the bells?

Is there leave for a 30-minute bell?

Hon. Senators: Agreed.

The Hon. the Speaker: The vote, therefore, will take place at 11:55 a.m.

• (1150)

The Hon. the Speaker: Honourable senators, the question before the Senate is the motion for third reading of Bill C-78, and the immediate question is the motion in amendment proposed by the Honourable Senator LeBreton, seconded by the Honourable Senator Nolin, that Bill C-78 be not now read a third time, but that it be amended —

Shall I dispense?

Hon. Senators: Dispense.

Motion in amendment by Senator LeBreton negated on the following division:

YEAS

THE HONOURABLE SENATORS

Andreychuk	LeBreton
Atkins	Lynch-Staunton
Beaudoin	Meighen
Berntson	Murray
Buchanan	Nolin
Cochrane	Prud'homme
Comeau	Robertson
Doody	Roche
Grimard	Rossiter
Kelly	Simard
Keon	Tkachuk
Kinsella	Wilson—24

NAYS

THE HONOURABLE SENATORS

Austin	Lewis
Bryden	Losier-Cool
Callbeck	Maheu
Carstairs	Mahovlich
Chalifoux	Mercier
Christensen	Milne
Cook	Moore
Cools	Pearson
Corbin	Pépin
De Bané	Perrault
Fairbairn	Perry Poirier
Ferretti Barth	Poulin
Finestone	Poy
Finnerty	Robichaud
Fitzpatrick	(L'Acadie-Acadia)
Fraser	Robichaud
Furey	(Saint-Louis-de-Kent)
Gauthier	Rompkey
Gill	Ruck
Graham	Sibbeston
Hervieux-Payette	Sparrow
Joyal	Stewart
Kenny	Taylor
Kolber	Watt—47
Kroft	

ABSTENTIONS

THE HONOURABLE SENATORS

Nil.

The Hon. the Speaker: Honourable senators, the next question before the Senate is the following:

[Translation]

It has been moved by the Honourable Senator Andreychuk, seconded by the Honourable Senator LeBreton:

That Bill C-78 be not now read the third time but that it be amended.

(a) on page 28.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion please say "yea"?

Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion please say "nay"?

Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

[English]

And two honourable senators having risen.

The Hon. the Speaker: Call in the senators.

Is there an agreement on the bell, honourable senators? Is there leave for a five-minute bell?

Hon. Senators: Agreed.

The Hon. the Speaker: Honourable senators, the vote will take place at five minutes to twelve o'clock.

• (1200)

The Hon. the Speaker: The question before the Senate is the first motion in amendment by the Honourable Senator Andreychuk, seconded by the Honourable Senator LeBreton, that Bill C-78 be not now read a third time, but that it be amended on page 28 —

Shall I dispense?

Hon. Senators: Dispense.

Motion No. 1 in amendment by Senator Andreychuk negated on the following division:

YEAS

THE HONOURABLE SENATORS

Andreychuk	LeBreton
Atkins	Lynch-Staunton
Beaudoin	Meighen
Berntson	Murray
Buchanan	Nolin
Cochrane	Prud'homme
Comeau	Robertson
Doody	Roche
Grimard	Rossiter
Kelly	Simard
Keon	Tkachuk
Kinsella	Wilson—24

NAYS

THE HONOURABLE SENATORS

Adams	Kroft
Austin	Lewis
Bryden	Losier-Cool
Callbeck	Maheu
Carstairs	Mahovlich
Chalifoux	Mercier
Christensen	Milne
Cook	Moore
Cools	Pearson
Corbin	Pépin
De Bané	Perrault
Fairbairn	Perry Poirier
Ferretti Barth	Poulin
Finestone	Poy
Finnerty	Robichaud
Fitzpatrick	(<i>L'Acadie-Acadia</i>)
Fraser	Robichaud
Furey	(<i>Saint-Louis-de-Kent</i>)
Gauthier	Rompkey
Gill	Ruck
Graham	Sibbeston
Hervieux-Payette	Sparrow
Joyal	Stewart
Kenny	Taylor
Kolber	Watt—48

ABSTENTIONS

THE HONOURABLE SENATORS

Nil.

The Hon. the Speaker: The question before the Senate now is the second motion in amendment. It was moved by the Honourable Senator Andreychuk, seconded by the Honourable Senator LeBreton, that Bill C-78 be not now read a third time, but that it be amended on page 28 —

Shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Will those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen.

The Hon. the Speaker: Call in the senators. I believe there is agreement for a five-minute bell. The vote will take place at 12:15 p.m.

• (1215)0

Motion No. 2 in amendment by Senator Andreychuk negated on the following division.

YEAS

THE HONOURABLE SENATORS

Andreychuk	LeBreton
Atkins	Lynch-Staunton
Beaudoin	Meighen
Berntson	Murray
Buchanan	Nolin
Cochrane	Prud'homme
Comeau	Robertson
Doody	Roche
Grimard	Rossiter
Kelly	Simard
Keon	Tkachuk
Kinsella	Wilson—24

NAYS

THE HONOURABLE SENATORS

Adams	Kroft
Austin	Lewis
Bryden	Losier-Cool
Callbeck	Maheu
Carstairs	Mahovlich
Chalifoux	Mercier
Christensen	Milne
Cook	Moore
Cools	Pearson
Corbin	Pépin
De Bané	Perrault
Fairbairn	Perry Poirier
Ferretti Barth	Poulin
Finestone	Poy
Finnerty	Robichaud
Fitzpatrick	(L'Acadie-Acadia)
Fraser	Robichaud
Furey	(Saint-Louis-de-Kent)
Gauthier	Rompkey
Gill	Ruck
Graham	Sibbeston
Hervieux-Payette	Sparrow
Joyal	Stewart
Kenny	Taylor
Kolber	Watt—48

ABSTENTIONS

THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: The question now before the Senate is the motion by the Honourable Senator Kirby, seconded by the Honourable Senator Sibbeston, that Bill C-78 be now read the third time.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen.

The Hon. the Speaker: Call in the senators.

• (1220)

Motion agreed to and bill read third time and passed on the following division:

YEAS

THE HONOURABLE SENATORS

Adams	Kroft
Austin	Lewis
Bryden	Losier-Cool
Callbeck	Maheu
Carstairs	Mahovlich
Chalifoux	Mercier
Christensen	Milne
Cook	Moore
Cools	Pearson
Corbin	Pépin
De Bané	Perrault
Fairbairn	Perry Poirier
Ferretti Barth	Poulin
Finestone	Robichaud
Finnerty	(<i>L'Acadie-Acadia</i>)
Fitzpatrick	Robichaud
Fraser	(<i>Saint-Louis-de-Kent</i>)
Furey	Rompkey
Gauthier	Ruck
Gill	Sibbeston
Graham	Sparrow
Hervieux-Payette	Stewart
Joyal	Taylor
Kenny	Watt—47
Kolber	

NAYS

THE HONOURABLE SENATORS

Andreychuk	Lynch-Staunton
Atkins	Meighen
Beaudoin	Murray
Berntson	Nolin
Buchanan	Prud'homme
Cochrane	Robertson
Comeau	Roche
Doody	Rossiter
Grimard	Simard
Kelly	Tkachuk
Kinsella	Wilson—23
LeBreton	

ABSTENTIONS

THE HONOURABLE SENATORS

Nil.

[*Translation*]

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

September 14, 1999

Sir,

I have the honour to inform you that the Honourable John Major, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, will proceed to the Senate Chamber today, the 14th day of September, 1999, at 2:00 p.m., for the purpose of giving Royal Assent to certain bills.

Yours sincerely,

Judith A. LaRocque
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

[*English*]

• (1230)

TRANSPORT AND COMMUNICATIONS

ORDER IN COUNCIL TO ALLOW DISCUSSIONS ON
PRIVATE SECTOR PROPOSAL TO PURCHASE AIR CANADA
REFERRED TO STANDING COMMITTEE

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I move:

That pursuant to subsection 47(5) of Canada Transportation Act, the order authorizing certain major air carriers and persons to negotiate and enter into any conditional agreement, be referred to the Standing Senate Committee on Transport and Communications.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, we welcome this motion; however, in recognition of the expectation of prorogation, we might want to make a contingency plan.

[Translation]

MOTION IN AMENDMENT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, there is a likelihood that the Prime Minister will exercise his prerogative to prorogue Parliament. Under these circumstances, I wish to move an amendment to this motion. I move, seconded by the Honourable Senator Simard:

That in the event of a prorogation of Parliament, the Standing Senate Committee on Internal Economy be ordered to establish a Task Force on Transport and Communications, consisting of the members of the present Standing Senate Committee on Transport and Communications; and that this Order Authorizing Certain Major Air Carriers and Persons to Negotiate and Enter into Any Conditional Agreement be referred to the Task Force for study and report;

That the Task Force be authorized to establish television and radio broadcasting of its proceedings as it deems appropriate; and

That the Standing Senate Committee on Internal Economy, Budgets and Administration be ordered to provide the Task Force an appropriate budget to allow it to carry out its work.

Honourable senators, I move this motion in both official languages, seconded by the Honourable Senator Simard.

[English]

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment of Senator Kinsella?

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, we on this side must oppose this motion in amendment. This is an unprecedented motion being introduced under rules to which, quite frankly, Beauchesne would take great exception.

The sixth edition of Beauchesne, citation 235(1) states:

The effect of a prorogation is at once to suspend all business until Parliament shall be summoned again. Not only are the sittings of Parliament at an end, but all proceedings pending at the time are quashed.

Furthermore, honourable senators, the Parliament Act of Canada specifically provides for the Standing Committee on Internal Economy of the Senate to continue to exist during a prorogation. It is for that reason, I am sure, that the motion allows for the Internal Economy Committee to establish such a task force. However, no provisions are made in the Parliament of Canada Act for any other committee.

Section 19.1 of the Parliament Canada of Act states:

(1) In this section and sections 19.2 to 19.9, "Committee" means the Standing Senate Committee on Internal Economy, Budgets and Administration established by the Senate Rules under its rules...

(2) During a period of prorogation or dissolution of Parliament and until the members of a successor Committee are appointed by the Senate, the Committee continues to exist for the purposes of this Act —

— and we are referring specifically to the Internal Economy Committee —

— and, subject to subsection (3), every member of the Committee, while still a senator, remains a member of the Committee as if there had been no prorogation or dissolution.

The very fact, however, that the Parliament of Canada Act makes reference to one committee and one committee only means that the intent of the act clearly is that no other committees should exist. Therefore, the Transportation Committee ceases to exist, as do all orders of reference before it. That includes the particular reference and intent of the original motion. There is no chair, there is no deputy chair, and there is no membership. There can be no meetings of the committee. There is no protection for witnesses.

In my view, the Senate is not competent to change the Parliament of Canada Act unilaterally. The only way to deal with committees sitting during a period of prorogation in the future would be to effect a clear change to our rules and, indeed, a change to the Parliament of Canada Act. We cannot do that at this time.

Senator Kinsella: Honourable senators, the Deputy Leader of the Government is partially right in that the Standing Committee on Internal Economy, Budgets and Administration continues notwithstanding prorogation. The amendment, therefore, was drafted in that light. This motion would be an instruction to the Internal Economy Committee, which is legally constituted to sit during prorogation. If prorogation occurs, then the order of this house, by virtue of this amendment, tells the Internal Economy Committee not to set up a committee but to establish a task force.

There is ample precedent for this. We followed this procedure for the study on corporate governance and for other task forces. I just took a quick glance at some of the past proceedings. In 1996, on December 5, authorization was given by the Internal Economy Committee to issue new contracts so those task forces could be retained. Indeed, it said that within five working days of prorogation or dissolution, the committee would review the mandate of each committee. Committees have been set up. Task forces have been set up. In particular, one task force looked at corporate governance.

I agree with the interpretation of the rules as given by the Deputy Leader of the Government that, with prorogation, the standing committees, save and except the Internal Economy Committee, would be *functus*. However, this instruction would be for the Internal Economy committee to set up a task force.

• (1240)

The order issued by the government pursuant to Section 47 of the Canada Transportation Act is a matter of national importance where there is a very explicit statutory provision. Obviously the intent of both Houses of Parliament, when we adopted that act, was that this extraordinary power given to the cabinet be well circumscribed by Section 47 of the Canada Transportation Act. It said yes, the government can issue this order, but that order, within seven sitting days, must be tabled in not one but both Houses of Parliament. It is further circumscribed by the statute in that Parliament then said that that order must then be sent to the appropriate committee of each house.

It seems to me, honourable senators, that the intent of Parliament was very clear. It is in the statute. We have agreement that, yes, the order ought to be sent to the Standing Senate Committee on Transport and Communications. We heard from the chair of that committee the other day that, yes, she would be happy to have her committee work on that. We on this side are anxious to see the committee work on it.

However, there has been much discussion recently about two major pieces of legislation and all the flaws contained therein, as pointed out by this side, both being rushed through because of the suggestion that the Prime Minister was about to exercise his prerogative to prorogue Parliament. We do not want to have the work of Parliament impeded in examining this order. We foresee that examination occurring in the same way as in the past — namely, to authorize and instruct in this instance the Internal Economy Committee to set up a task force which would be composed of the same members as the Standing Senate Committee on Transport and Communications. Should there be no prorogation, then Senator Poulin's committee can get about the work of examining this order right away.

Hon. Marcel Prud'homme: Honourable senators, in order for some of us, and me especially, to understand, I would make a distinction between dissolution and prorogation.

I am of the strong view that, in the case of a dissolution, what Senator Carstairs said is obvious for partisan and political reasons. I cannot see the Senate sitting if Parliament has been dissolved. That is very clear.

In a situation of prorogation, Parliament can be recalled for emergency reasons, while Parliament cannot be recalled during dissolution.

Therefore, I wish to draw to honourable senators' attention, and to the attention of the government, that if it is because of the rules, then someone should take the initiative — I suggest that

perhaps it should be Senator Kinsella and some others on the government side and in this corner — of describing what kind of power the Senate has in the case of prorogation. We do not disappear. As a matter of fact, even during elections, we do not disappear. We continue, except we do not have legislation.

I would put to the Senate that it would be appropriate to follow the advice of Senator Kinsella and that we go through the Standing Committee on Internal Economy, Budgets and Administration, and let the future unfold accordingly. I go even further than Senator Kinsella by pointing out to the Senate that there is a big difference between dissolution and prorogation. If there is some difficulty in this case, it would be up to the committee chaired ably by Senator Maheu to change the rules, as we will do on the question of His Honour's earlier statement concerning the precedent created by Senator Grafstein. I assure you that in the future we shall look into that in the Rules Committee.

Therefore, I say that we should add to the reform of the Senate the question as to what can be done by the Senate during a prorogation, knowing that nothing can be done during a dissolution.

Hon. John B. Stewart: Honourable senators, I am especially interested in this proposal because of the problems that a prorogation would raise for the Foreign Affairs Committee. However, I must say that it seems to me that there is no question but that a prorogation has the effect of terminating the session of Parliament for both houses, that is the Senate as well as the House of Commons; that all our standing and special committees cease to exist save and except the Standing Committee on Internal Economy, Budgets and Administration; and also that all the mandates given to the several standing and special committees are discharged.

As I understand it, the Standing Committee on Internal Economy, Budgets and Administration has been given a statutory basis for continuing so that it can carry out business work — the ordinary sense of the word "business" — relative to the Senate but not to engage in what one would call substantive work such as establishing a task force.

I wonder if those who are proposing the motion and supporting it have thought of the constitutional implications of the Internal Economy Committee replacing the Senate itself during a period of a prorogation.

There is then the question of to whom this task force is to report. It reports to its master, I suppose, namely the Standing Committee on Internal Economy, Budgets and Administration. Does not that show how extraordinary, how irregular, this motion is?

The situation is clear: If there is a prorogation, the committees are discharged, their mandates are discharged, and the Internal Economy's authorization is strictly limited to internal economy matters rather than to matters of substantive business.

Hon. Nicholas W. Taylor: Honourable senators, the difference we seem to be discussing here is between an adjournment and a recess. Recess applies when Parliament is prorogued. An adjournment can be called by each house separately. The House of Commons can adjourn, the Senate can adjourn.

As my colleague Senator Prud'homme said earlier, we must remember that senators are members of Parliament.

As for prorogation, Beauchesne states clearly in citation 235:

The effect of a prorogation is at once to suspend all business until Parliament shall be summoned again.

Certainly "all business" would include the sitting of any of our committees. We are a part of Parliament. We are not adjourning. When you prorogue, it is a recess, and nothing is to be done.

I think honourable senators will find that the only time this caused a bit of a problem was during World War I, around 1916 or 1917. In my view the Senate is part of Parliament, therefore, we just suspend business. It is that clear.

• (1250)

Hon. Bill Rompkey: Honourable senators, on that point, my understanding is the same as Senator Taylor's, having gone through a number of prorogations. Each time it happened, all business was suspended and all the mechanisms stopped. It was a virtual cleaning of the plate to be renewed when Parliament sat again. On that point I agree with Senator Taylor.

However, I should like to make another point which I think senators should consider, and that is the budgetary implications. We do not have any figures here as to what such a committee would cost. The television and radio coverage would not be a big cost, however, travel might very well be, because the task force is authorized to adjourn from place to place in Canada, and the Standing Committee on Internal Economy, Budgets and Administration will be ordered to provide the task force with an appropriate budget to permit it to carry out its work.

One of the policies we have been following is to make sure that, at such time as committee work is approved, the appropriate budget is approved at the same time so that we know what we are getting into. There are other committees that want to sit. There are other committees that want to do work. If we are ordered to fund this committee carte blanche, without any figures before us, certainly that impacts on the work of other committees. The chairs of the other committees might wish to consider what impact such a move would have on their work. I feel that if the Senate is considering that move, that that is a point we should take into consideration.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, all the authorities make very clear that the

prorogation of Parliament is a prerogative of the Crown, and Beauchesne's sixth edition, citation 234 states as follows:

Just as Parliament may only commence its deliberations at the time appointed by the Governor General, so it may not continue them any longer than the Crown pleases.

Then Erskine May, the twenty-second edition, at page 232, uses virtually the identical words:

Just as Parliament can commence its deliberations only at the time appointed by the Queen, so it cannot continue them any longer than she pleases.

It is simple logic that if Parliament cannot continue after prorogation, neither can its committees. The committees are creatures of the Senate. They depend on the Senate for their creation and continued existence, and I am at a loss to know how the Senate could give them authority to do something, namely to sit during prorogation, whether it is a task force or a standing committee, when the Senate itself has no power or ability to do that.

No one is suggesting, or would suggest, that the Senate could continue its sittings after prorogation, and we all appreciate that this would be completely inappropriate, but to have our committees continue their sittings in such circumstances would be equally wrong.

Senator Carstairs made reference earlier to the effect of a prorogation on Parliament. She stated that it is also very clear in the authorities, and she quoted Beauchesne, at page 66, citation 235(1), which I will repeat:

The effect of a prorogation is at once to suspend all business until Parliament shall be summoned again. Not only are the sittings of Parliament at an end, but all proceedings pending at the time are quashed.

That committees cannot sit during prorogation is well illustrated by an event that happened away back in 1873, which is documented in Bourinot's fourth edition, at page 467, and I will quote from that.

...no committee can sit after a prorogation. A memorable case in point occurred in the session of 1873 in the Canadian Commons. It was moved that a select committee be appointed to inquire into certain matters relating to the Canadian Pacific Railway, and that it had power, if need be, to sit after the prorogation. The resolution was agreed to, but members had serious doubts whether such a committee could sit as proposed. It having been admitted, by all parties after further consideration, that the house could give no such power to a committee, it was arranged that the house should adjourn to such a day beyond the 2nd of July, as would enable the committee to complete the investigation and to frame a report.

Now some may argue that notwithstanding the authorities, and notwithstanding what happened in 1873, the Senate should nevertheless authorize such a group — whether it be the Committee on Transport and Communications or a task force, as proposed by the Deputy Leader of the Opposition — to sit during prorogation on the grounds that our Committee on Internal Economy, as mentioned earlier by Senator Carstairs, already has the power to do so.

There is an important distinction here, honourable senators. I believe, as mentioned by Senator Carstairs, that should be kept in mind when examining the case of the Internal Economy Committee, because that committee gains its authority, honourable senators, to sit after a prorogation from the Parliament of Canada Act, which specifically provides for this exception. It is critical to understand that this is not simply a case of the House of Commons and Senate passing a law to allow this to happen, but rather that this was also agreed to by the Crown when Royal Assent was given to the Parliament of Canada Act.

I began my remarks by noting that prorogation was the prerogative of the Crown. Unless the Crown assents, as it has done for the unique case of our Committee on Internal Economy, neither the Senate nor its committees may sit after a prorogation. That has been the law since 1867 in Canada, and we have no authority for unilateral change.

I wish to make one other point. There has been one precedent for a committee to continue its work on an order of reference during a prorogation. The Banking Committee did it a few years ago, and I suspect it was a rather bad precedent. They acted as an informal, bipartisan group who met with people and gathered information during a prorogation and then, in the new session, revived the order and had the material from the intersessional time referred to the committee. However, they did not officially exist and the Committees branch could not offer them official assistance during their so-called hearings. They could not officially act, and the Senate itself was not involved in empowering them to act intersessionally.

National transportation, I wish to emphasize, does not fall within the jurisdiction of the Internal Economy Committee, therefore how can it create a task force on a matter over which it has no jurisdiction? The Parliament of Canada Act provided this exception for the Internal Economy Committee, as I mentioned, for administrative reasons and administrative reasons only; not to create quasi-committees to deal with substantive issues.

I have already mentioned in my remarks that we would be going behind the back of the Crown in establishing what is a committee — the task force referred to by Senator Kinsella — in everything but name only. Honourable senators, I suggest that such a move would be totally out of order.

Hon. John G. Bryden: Honourable senators, I have a very small point to make; however, I believe it is fatal. We are not dealing here with an order of reference of our own house. The transport act, or the provision under which this comes, directs that the matter be sent to the appropriate committee. There is no

authority in the statute to send it to the appropriate task force or the appropriate study group; it is to be sent to the appropriate committee. There is no legal basis on which we could refer this matter to anyone other than the appropriate committee. As was agreed, the appropriate committee, if there is prorogation, will not exist; therefore it would be impossible for the task force to deal with the matter and, indeed, for such a matter to be referred to a task force. The only authority is to the appropriate committee.

• (1300)

Hon. Peter A. Stollery: Honourable senators, I should like to speak on this matter briefly. There is a motion that attempts to rework the Internal Economy Committee, of which I am a long-time member, and give it authority that belongs to the Senate. This motion is not only out of order, it is so out of order I can hardly believe my ears.

The Internal Economy Committee has a very narrow mandate. It has been very complicated to administer that mandate for many years, to try to keep certain expenses and business of the Senate in progress when there is a prorogation. That is all the Internal Economy Committee is authorized to do.

It is unfortunate that we would try to turn the Internal Economy Committee into the Senate and attempt to give that committee rights that belong only to the Senate when it is sitting as the Senate.

Honourable senators, we have been playing pretty loose with the rules around here. This would be just about as bad a thing as we could do. Not only is it out of order but it is important that it go on the record, and that people understand that any committee is only an extension of the Senate. Committees cannot hijack rights that belong to this chamber.

It is for that reason, honourable senators, that I rise just to get in my two cents' worth because I think it is very important. We have been moving away from the basic procedures and parliamentary rules under which the Senate is supposed to operate.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, there is no question in my mind that if the Senate resolves to create a task force during prorogation, that is completely within its authority to do so. It has been done before. The Banking Committee is the one that comes to mind. That committee had started a study on corporate governance, had lined up witnesses ahead of time and then obtained the authority during prorogation to convert itself into a task force and to continue its work.

In this case, however, the real question is the credibility of the government on this issue. The government has tabled the order. It has moved to refer it to the transport committee, with the full knowledge that, on Friday midnight, that committee and all of the other committees will have dissolved. Thus, in effect, the order will be in limbo.

If the government were serious that a study of the order be started, it would give the tools to certain senators to carry on the study during the period of prorogation. This order expires on November 9 and, although the act directs that it shall only be studied by the appropriate committee, there is nothing to stop the Senate of Canada from charging a group of senators, under the rubric or the heading of a task force, to engage in that study. We can decide who studies what.

I am unfortunately reminded of the government's agreement to set up a special committee on Somalia to complete the work that the Létourneau commission was not allowed to complete. The government agreed to the setting up of the committee about three weeks before Parliament was dissolved, with the full knowledge that an election was coming. Therefore, the committee got nowhere because, as soon as it started its work, the writ was dropped and that was the end of it.

After the election, when we reconvened, we reintroduced the same resolution to create the same committee and the government said "no." The motion is still on our Order Paper. That is why I say the credibility of the government, once again, is being challenged.

If the government is serious, it will allow a study to be done by senators during prorogation. However, if it intends to repeat the same charade of the Somalia committee, — in other words, "Yes, we will create it with the knowledge that an election is being called and we will not get anywhere and after the election the pressure will be off, so we will just sweep it under the rug." If that is what is about to happen to this order, some of us do not want to engage in another charade of the same type.

The Hon. the Speaker: If no other honourable senator wishes to speak, the question before the Senate is the motion in amendment proposed by the Honourable Senator Kinsella, seconded by the Honourable Senator Simard — shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Will those honourable senators in favour of the motion in amendment please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the nays have it.

Senator Kinsella: On division.

Motion in amendment negated, on division.

The Hon. the Speaker: We are now back to the main motion. It was moved by the Honourable Senator Carstairs, seconded by the Honourable Senator Furey, that pursuant to subsection 47(5) of the Canada Transportation Act — shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it. I declare the motion carried.

Senator Lynch-Staunton: May I have leave to ask whether it is the intention of the government to convene the committee today or tomorrow, to start the work as authorized by the Senate of Canada?

Hon. Marie-P. Poulin: Honourable senators, I thank the Honourable Leader of the Opposition for his question. I spoke to the Deputy Chair of the Standing Senate Committee on Transport and Communications this morning, before he left for Calgary. We agreed that we would speak later on, when he is in Calgary, over the phone. I am hoping we will have a meeting of the steering committee to discuss future strategy, probably tomorrow.

Senator Lynch-Staunton: I got my answer.

Motion agreed to.

CRIMINAL CODE CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—SECOND READING

Hon. Anne C. Cools moved the second reading of Bill C-251, to amend the Criminal Code and the Corrections and Conditional Release Act (cumulative sentences).

She said: Honourable senators, I should like to commend and praise Albina Guarnieri, the distinguished member of the House of Commons for Mississauga East. I applaud her for her efforts in bringing forward Bill C-251 and for her success in its passage by the House of Commons in June.

It is my honour that she has asked me to be the sponsor of this bill here in the Senate. Honourable senators, Bill C-251 addresses sentence insufficiencies in cases of malevolent and wilfully cruel multiple offenders, particularly multiple murderers.

The summary which accompanies Bill C-251 states:

The enactment also provides that where a person is sentenced for first or second degree murder and is at the time the sentence is imposed subject to a sentence for any offence other than murder, the person will not be eligible for parole until he or she has served the parole ineligibility period required by law to be served for that other sentence — the lesser of one third of that sentence and seven years — and the parole ineligibility period required by law to be served for the first- or second-degree murder.

Honourable senators, Bill C-251 proposes to amend the Criminal Code to provide that, in such related instances, the sentencing judge will have the discretion to order that such multiple offenders shall serve an additional parole ineligibility period not exceeding 25 years for the murder for which the offender is being currently sentenced, in addition to that parole ineligibility period that must be served for that other murder.

Honourable senators, Bill C-251 attempts to address many questions in respect of sentencing, parole eligibility, and section 745 of the Criminal Code regarding judicial review of parole ineligibility dates of first- and second-degree murderers.

On motion of Senator Cools, debate adjourned.

• (1310)

PRIVATE BILL

CANADIAN DISTRICT OF MORAVIAN CHURCH IN AMERICA— THIRD READING

Hon. Nicholas W. Taylor moved the third reading of Bill S-30, to amend the Act of incorporation of the Board of Elders of the Canadian District of the Moravian Church in America.

He said: Honourable senators, I wish to thank the entire house for leaving a chance for the Moravian Church to come back again. It is probably one of the longest labours that this house has experienced. I think the original request came back in 1992 and was then lost amongst different senators here and there along the way.

The Moravian Church is established in both Labrador and Alberta. After having been a senator for about one year, I noticed that this bill, amongst others, had never been cleaned up. Cleaning it up, of course, took a lot of reinstating and getting things underway.

I wish to give special thanks to Senator Lowell Murray on the other side who, in his position as chairman of the Standing Senate Committee on Social Affairs, Science and Technology, was most helpful in telling me how to navigate through the many

rocks, pillars, and obstacles one confronts in bringing a bill to fruition after lying by the wayside for many years. Most of that delay resulted from the fact that senators who had been seized with the issue for a year or so had passed on, and consequently this was bill was left behind.

I have little to say on the bill itself; it is a very simple bill. First, the bill makes the name of the Moravian Church the same in French and English. Second, it removes the limit on the amount of land or property they can own, which was a ridiculously low amount.

I thank all honourable senators, and I hope the bill will pass.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

PRESENT STATE AND FUTURE OF FORESTRY

REPORT OF AGRICULTURE AND FORESTRY COMMITTEE ON STUDY ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on Agriculture and Forestry entitled: "Competing Realities: The Boreal Forest at Risk," deposited with the Clerk of the Senate on June 28, 1999.

Hon. Nicholas W. Taylor: Honourable senators, our subcommittee held 131 hearings over the course of a couple of years and filed its report on June 28 of this year. It was well received. That report has not yet garnered the all-time high interest of an earlier committee report, "Soil at Risk"; however, to date, in just the last few months, there have been requests for about 1,100 English copies and about 400 French copies of the report. Given that the report can also be found on the Internet, all in all it has had a very good following. We have had, I think, six editorials complimenting the Senate committee on its work.

The executive summary of the report refers to the fact that in face of the demands on the forest for aboriginal communities, habitat for wildlife, an attraction for tourism, and a place where biodiversity and watersheds are protected, as well as for fibre, we felt that we need new and better ways to manage our activity in the boreal forest to meet the competing realities of preserving the resource, maintaining the lifestyles and values of boreal communities, and extracting economic wealth and preserving ecological values.

The subcommittee believes that we can and must develop strategies that can help to ensure the survival of our beleaguered forest while still enhancing traditional forest use and creating economic benefits. We further believe that it is important to move in this direction very soon before certain opportunities are lost forever.

The plain fact of the matter is that, no matter how many trees are planted, at the rate we are going, we are cutting the forest more quickly than we are replacing it. We are cutting at a rate, admittedly, where the forest itself will survive to supply trees, as they have across Scandinavia, but not enough of a forest to supply ecological, tourism, and aboriginal needs.

We recommended that the forest be divided into three categories. One category would find 20 per cent of the area intensively managed on the Scandinavian model — some people call that plantation planning, but it is not exactly that — for purposes of timber and fibre production. Judging by the Scandinavian examples that the subcommittee saw, intensive management could boost timber yields by as much as eight times per hectare. In other words, the necessity for our timber and fibre industry to go out and harvest virgin forests would decline as we developed an intensive managed area.

Intensive productivity would free up more of our forest for ecological preservation, aboriginal use, tourism, wildlife protection, and other uses, and at the same time preserve our industry. The supply of timber and fibre for mills from the intensively managed area could also be supplemented by sustainably grown timber from private lands, including reforested marginal farm land near the forest fringe. This is very important because our tax laws have to change from the last century's incentives for converting forests to farms to laws that now do the exact opposite — convert marginal farms back to forests. Alternative fibres could also be used more widely, and that includes fibres such as hemp and flax.

The second category would be to manage at a less intensive level over a broader area with long-term leases, audited regularly by community groups assisting forestry experts. This zone would retain a relatively natural mixture of tree species and ages for the sake of preserving biodiversity, but would also accommodate the full range of forest uses and communities, including aboriginal hunters and trappers, tourist outfitters, and recreational users.

That second category is very much the same — about 60 per cent of the area — as we perceive the forest today.

The third category, constituting up to 20 per cent of the boreal forest, would be set aside as protected areas.

We set aside far too little of our forests as protected areas, particularly when some of the best timber we have is in protected areas. There continues to be pressure for provincial governments to extend rights to cut timber in this area. This would include old growth boreal forest areas traditionally used for native trapping, as well as ecological areas of significant wildlife habitat.

The subcommittee realizes that the system of designation recommended will not happen overnight. It will take some time and a great deal of cooperation between various jurisdictions to fully implement such a system. However, we firmly believe that such a long-term goal is essential and that a start must be made towards this soon. In pursuing this goal, the federal government must at all times live up to its responsibilities, particularly

concerning aboriginal peoples. The tax system can always be used as a mechanism to promote sustainable forest practices.

• (1320)

In reaching these conclusions, the subcommittee is not advocating that we mimic the Scandinavian situation in its entirety. Unfortunately, there are few untouched forests left in that part of the world. However, we do believe that we can learn much from their expertise in intensive forest management and apply that experience to our intensively managed areas. If we do, we will then be able to sustain a healthy forest industry and still preserve undisturbed large tracts of boreal wilderness, which we are fortunate enough to still have. In effect, we could have our cake and eat it too, if only we move quickly and decisively.

Honourable senators, I move the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

[Translation]

OFFICIAL LANGUAGES ACT

PROGRESSIVE DETERIORATION OF FRENCH SERVICES AVAILABLE TO FRANCOPHONES OUTSIDE OF QUEBEC— INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Simard calling the attention of the Senate to the current situation with regard to the application of the *Official Languages Act*, its progressive deterioration, the abdication of responsibility by a succession of governments over the past ten years and the loss of access to services in French for francophones outside Quebec.—(Honourable Senator Prud'homme)

Hon. Marcel Prud'homme: Honourable senators, you are all aware of the great interest raised by this inquiry by Senator Simard. I attended the Francophonie Summit in Moncton of my own accord, not being part of the Canadian delegation. You are all aware of how I do not always follow the beaten path.

For three days I was able to witness the progressive deterioration of application of the Official Languages Act. It is not enough to boast about it to the rest of the world, particularly when it is pushed aside as soon as we are back in this country.

All those great parliamentarians in the current government and in the previous governments have boasted about how good Canada's Official Languages Act is. Everywhere in the world, moreover, people wonder how Canadians manage to live together so harmoniously, despite their differences. Our reality may be quite another thing.

We have some great champions in the Senate. The grand champion of them all is the man who has always been a pillar of the cause, the totally unsinkable Honourable Jean-Robert Gauthier. And there are a few others, for instance the Honourable Louis Robichaud, honoured consistently in New Brunswick for his contribution in this connection ever since 1960. I had the honour of campaigning with him in 1960 — more or less at the same time as the Jean Lesage campaign in Quebec. There is no way we will humble ourselves, or even to accept sympathy or understanding. I am not interested in anybody's sympathy and understanding for the French-Canadian people. I am a French-Canadian, even though the Bloc Québécois wants to change the definition and thus do away with it. To use the term used by my good friend Suzanne Tremblay, MP for Rimouski, there is no way that we can be made to disappear with a quick "Poof! Poof!" Not only are francophones outside Quebec going to disappear, but now they are using their incantation of "Poof! Poof!" on us. The French-Canadian people is no longer living. Funeral details to follow.

I most definitely intend to speak out in Quebec against this premature funeral. I shall be going to Trois-Rivières, Drummondville, Sherbrooke and Alma, cities in the very heartland of Quebec, where the true French-Canadian people reside.

I have great sympathy for what Senator Simard is trying to do. There are in this Senate some people of extraordinary good will who, while not actually bilingual, have their heads and hearts in the right place. I accept that these people may not be able to speak French, as long as they admit the reality of the fact that, on this troubled planet, a minority is being stomped on by a majority in Canada. A number of us are sick of these grandiose speeches inviting people to take a look at what is happening in Canada. Just listen to yourselves.

Take a look at what is happening in Canada. I will not belabour the point today, since everyone seems to be preparing for the end of the session. What I cannot understand is that we have been told that there will be a prorogation. I have not been so informed as yet, so I will proceed as though the session were continuing.

I am told that the session is now on its last legs. Personally, I am acting as though we were going to continue, and that is why the members of the Transport and Communications Committee should meet and continue their work until the end is definitively announced and the time and date given.

I can tell you in advance that Senators Gauthier, Simard, Prud'homme, and anyone else who wishes to join us, will be re-introducing all these inquiries. This will give rise to some very lively, very measured and very tough debate, to arrive at a true picture.

I am giving you plenty of notice that I do not intend to let Senator Simard's resolution die on the Order Paper. I will not let

Senator Gauthier down easily. In the very first days of this possible new session, we will reintroduce this motion. That is why I have limited myself today to a few preliminary remarks.

On motion of Senator Finestone, debate adjourned.

[English]

• (1330)

FOREIGN AFFAIRS

CONFLICT IN EAST TIMOR—BRIEFINGS BY MINISTERS INVOLVED

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I should like to have leave to make a brief announcement concerning the remarks I made earlier about East Timor.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

Senator Graham: Honourable senators, it was suggested earlier that we might have briefings with the appropriate ministers on the situation in East Timor; namely, the Minister of Foreign Affairs, the Minister of National Defence and the Minister for International Cooperation. We have arranged such a meeting for the Standing Senate Committee on Foreign Affairs and the appropriate committees in the other place. That meeting is to be held on Friday morning, from ten o'clock to twelve o'clock. Of course, any honourable senator will be welcome to attend those briefings. We will send a formal notice of this event to all honourable senators.

Hon. Marcel Prud'homme: Honourable senators, I wish to ask the minister a question. Are you advising us that Parliament will not be prorogued until at least twelve o'clock on Friday?

Senator Graham: Honourable senators, I have merely said that the ministers will be available to members of the appropriate committees in the other place and the Standing Senate Committee on Foreign Affairs, and that any honourable senator who wishes may attend the briefing on the situation in East Timor.

You may wish to deduce from that that there will not be a notice of prorogation prior to that time. As all honourable senators know, I am not in control of prorogation. It is my understanding that the meeting will take place at ten o'clock on Friday.

Hon. A. Raynell Andreychuk: Honourable senators, is the Leader of the Government in the Senate saying that this will be a joint meeting between the two Houses? If so, will it be co-chaired by the chair of our Foreign Affairs Committee and the chair of the House of Commons committee, or will there be separate briefings?

Senator Graham: Honourable senators, I cannot even use the term "joint meeting." Perhaps one could use the term "parallel meetings." This will merely be an opportunity for members of the House of Commons and the Senate who are interested in this matter to meet. How the meeting will be chaired will be worked out prior to Friday.

Senator Andreychuk: I suggest that the meeting should be co-chaired. I have asked for a debate in Parliament on this matter. I presume that this is the best we will get at this point. I hope that there will be a full opportunity to ask questions. The only way I can see that happening is if the meeting is co-chaired. That has worked effectively in the past and I suggest that the same procedure be followed, if possible.

Senator Graham: I am sorry, honourable senators, to have prompted this discussion. I had intended only to make an announcement in response to requests from honourable senators.

Honourable senators will recall that, during the crisis in Kosovo, we arranged for Ministers Axworthy and Eggleton to appear at an informal meeting with members of all sides of the house, including independents. That was quite a successful undertaking, as I hope will be the meeting on Friday.

QUESTION OF PRIVILEGE

The Hon. the Speaker: Honourable senators, we have reached that point of the Orders of the Day where we can proceed with the notice that we received from Senator Andreychuk regarding a question of privilege.

Hon. A. Raynell Andreychuk: Honourable senators, I have given notice of a question of privilege concerning the Standing Senate Committee on Aboriginal Peoples.

As the Senate knows, the Standing Senate Committee on Aboriginal Peoples was empowered to study the issue of self-governance some time ago and the committee is to report before November 30, 1999. The committee has been holding hearings. Senator Watt chairs the committee and I am a member of that committee. At this point, we have stopped our hearings and have been meeting *in camera* studying various drafts. We are currently working on draft four.

No publicity was issued. All drafts received in my office were marked "draft" and "confidential." I was shocked to learn on the weekend that in the *National Post* of Saturday, September 11, 1999, there is a story entitled "Senators want special court for aboriginals — Scrap Indian Act, report recommends."

The article goes on to speak to various recommendations. It also indicates that a draft report was received. I am prepared to table a copy of the *National Post* of Saturday, September 11, 1999 and a copy of *Quorum* that reproduced that article.

The Hon. the Speaker: Honourable senators, is it agreed to have those items tabled?

Hon. Senators: Agreed.

Senator Andreychuk: I believe that all honourable senators will agree with me that we do some of our best work in committees. In most cases, free and open debate has led to reports that most senators sign. I have been involved with numerous reports and I can think of no case where a dissenting report was filed. We freely and openly discuss our opinions and try to find common ground.

• (1340)

It is extremely important that our committees work *in camera* and that our drafts be held confidentially, that they are not distributed beyond the members of the committee and that the committee not be in any way prejudiced by leaks at any point. We float our ideas. Some ideas are imaginative, some are outrageous and some are down to earth. In the end, we take them all together and find the common ground.

This report obviously was leaked. There was certainly no authority to release it beyond the circulation to committee members for their own discussions *in camera*. In fact, the report was not circulated to any senators outside of the committee.

We have been rather fortunate to have a number of members on the committee who attend consistently. We have enjoyed a rather collegial approach to our report. It was disconcerting to see recommendations that may or may not be appropriate, which may or may not be chosen by the full committee, being publicized in the newspaper. My ability to feel secure that my comments in committee hearings will stay in the committee has been prejudiced. My options in deciding what recommendations are appropriate and inappropriate are prejudiced. I take this breach very seriously.

Honourable senators, this leak is also a breach of privilege for all members of the Senate. To read recommendations in the newspaper is certainly not how we want to receive reports of the Senate. It is time that we did something about this state of affairs.

In my own experience, I was sitting on another committee when a report was leaked to outside sources. I raised the issue within the committee. I raised it with the chairman and I expressed my displeasure. I asked the chairman to ensure that measures were taken to prevent any repeat of the action. I was assured that the matter would be examined.

I am also aware of the fact that draft reports of the Joint Committee on Custody and Access appeared in the newspaper before that report was tabled here.

When this report was leaked to the *National Post*, I felt the matter had become a question of privilege. We are coming to the point where we cannot do our work in committees if this kind of behaviour continues.

I have no idea who might have submitted the report to the *National Post*. I certainly have no idea whether it was done intentionally, accidentally or negligently. However, on the face of it, the sheer fact of the publication of a draft is *prima facie* a breach of the privilege of this chamber. I ask that there be such a ruling. I would then be in a position to move the following motion:

That the matter be referred to the Standing Committee on Privileges, Standing Rules and Orders for their study and investigation.

I would hope that the standing committee would look into not only this breach but into the whole matter of how our draft reports and our committees operate when they are in confidence and *in camera*.

The Hon. the Speaker: Are there any other honourable senators who wish to speak to the point of privilege?

Hon. Charlie Watt: Honourable senators, there is no doubt in my mind, when you read the *National Post*, that the unauthorized report was leaked. The description given by the *National Post* cannot help but infer that the report was leaked.

I was very saddened by this event. I do not think things like this should be happening within the Senate. Committee members are placed in the position where they question whether they can trust each other. In order to restore this trust, honourable senators, I support Senator Andreychuk's initiative in making that motion.

Hon. Anne C. Cools: Honourable senators, I thank Senator Andreychuk for bringing forward this question. I also thank her for her documentation and for the facts as she has outlined them. She has not cited any authorities. Perhaps she does not have to do so because many of the authorities are known.

Senator Andreychuk has brought forth a genuine question of privilege. I should like to add my support to her in this regard.

This question is extremely timely. We cannot open a newspaper any day of the week without reading of the leaking of some draft report from Parliament. Senate consideration of this matter is long overdue.

In defence of senators, most draft reports described in the newspapers in that way seem to come from committees of the House of Commons. In the many years that I have been here, it has been unusual to read in the newspaper about a draft report of a Senate committee. I am not minded to praise the Senate, but that has been my experience.

On December 3, 1998, the House of Commons had a debate on a related subject-matter. Speaker Gilbert Parent of the House of Commons made the following statements at page 10866:

I must admit that I am becoming less patient by the day...

I would like the House procedure committee to address this matter as soon as possible. I would like some kind of recommendation to come forth to the House.

I have said on so many occasions that I do not have the power needed to curtail this type of thing. Collectively, members of Parliament have this power.

He continued:

If a court of law can put a ban on publication on certain materials and it is upheld, why can the highest court in the country not do something? I put that as a question, only as a question. But I wish that first the procedure committee would have a look at it post haste and we will wait to see what the outcome of that is.

I now refer to the draft report of the Special Joint Committee on Custody and Access which was quoted extensively in newspaper reports long in advance of the report being received or tabled or introduced here in the Senate on December 9, 1998, or in the other place. A profound atmosphere of mistrust and distrust is engendered in committees by this sort of activity.

On December 7, 1998, I put forward a motion to which I had not spoken about that particular joint committee's leaked draft report. For His Honour's consideration, I would also refer to an article in *The London Free Press* dated Saturday, November 28, 1998. That date is about 12 days before the joint committee report was introduced in both chambers.

• (1350)

This was an article by Mr. Jeremy Torobin entitled "Battle for Custody." The article deals quite extensively with the leaked draft report, with lots of commentary, including a particular remark made by a family law lawyer from Toronto named Carole Curtis. She said:

The leaked draft report that I saw was just full of anti-woman vitriol.

That particular leak bothered me because the situation becomes even more complex when we are speaking about such an unauthorized document being in the hands of an officer of the court for commentary.

In any event, I am aware that we are under a particular time constraint because the representative of His Excellency will be arriving momentarily, but to round out the point, there must be a balance between freedom of the press and the freedom of members of Parliament to be able to do their work without undue disturbance. For the most part, many of us have laboured on, trying to be strategic or politic about whether or not some of these issues should be raised. I am of the firm opinion that it is possible to maintain a balance on all fronts on all of these issues.

In closing, I would ask His Honour to give proper deliberation and thought to this particular issue. I submit to all honourable senators again that the issue needs study. From what I can understand, that is all that Senator Andreychuk is asking. She wants a committee to examine the issue in a just and judicious manner. Very clearly, honourable senators, it is time for the Senate to look at some of these matters judiciously.

Hon. Jack Austin: Honourable senators, I am a member of the Standing Senate Committee on Aboriginal Peoples. Our committee met last Wednesday to discuss a draft report, which was called the fourth draft. Our review of that report led us to believe that we preferred an earlier draft to the conclusions that were contained in that fourth draft, which had been prepared by the staff of the committee that Senator Watt chairs.

It raises serious problems of privilege to see a draft that was, in a sense, rejected in our committee discussions appear in the newspapers as an about-to-be-released report of the committee.

I might ask the Senate for approval to table an editorial in today's *National Post* commenting adversely on the work of the committee as displayed in the unauthorized release of a report that really is not ours. It puts senators who are members of the committee, and the Senate as a whole, in an unfavourable position. What happens now is that, regardless of our views as to what should be in the report, it will not be the report as leaked to the media. We are compromised. If the media have created expectations that certain recommendations will be made and we do not make them, there will be speculation as to why we did not make them.

I could go on in that vein; however, quite clearly, it makes further debate by the committee on its intended report and all of the committee's work, which is extensive, in bringing witnesses to Ottawa, to hearing witnesses, and the hours that members of the committee have put in, somewhat questionable in the minds of various constituencies in the country.

I consider that the story is more than a nuisance. It is a serious breach of our privileges because it compromises our work.

Honourable senators, I wish to refer to our rules for one moment because, as I understand the rules, before the motion can be put His Honour must make a finding that a *prima facie* case of privilege has been established and it is only thereafter that, under rule 44(1), Senator Andreychuk can put the motion that she has announced she would like to make.

I wonder whether or not His Honour is ready to make that finding.

The Hon. the Speaker: Honourable senators, I will hear from Honourable Senator Fraser. However, unless there are new arguments presented, I will be prepared to rule.

Hon. Joan Fraser: Honourable senators, I have a comment that follows directly on something that Senator Austin said. I suspect it may have been said inadvertently because I know that Senator Austin has good reason to understand the workings of

the free press. He suggested, as I understood him, that the story and, indeed, perhaps the editorial in the *National Post* were a breach of privilege.

I would suggest that if privilege has been breached — and I think it may have been — the breach is not the fault of media; rather, it is the fault of those who leaked the draft report. The media have every right to print material that comes into their possession, with very few exceptions. I do not think this draft report would be covered by those exceptions.

Senator Austin: Honourable senators, I agree totally with Senator Fraser. I had no intention of saying, nor do I believe that I said, that there was any breach of privilege by the media. What I am saying is that the story in the media is a breach of our privilege because it compromises the work of a Senate committee. This is not to say that the media do not have the right to publish this particular story; I believe they do.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wish to have tabled the item in *The London Free Press* that Senator Cools mentioned.

The Hon. the Speaker: Is leave granted to table the article?

Hon. Senators: Agreed.

The Hon. the Speaker: Honourable Senator Austin, did you also wish to table an editorial?

Senator Austin: Yes.

The Hon. the Speaker: Is leave granted, honourable senators, to table that as well?

Hon. Senators: Agreed.

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, I thank all honourable senators who have participated in this debate on privilege, and I thank Honourable Senator Andreychuk for raising the matter. I am prepared to rule at this time, unless someone else wishes to speak.

I would refer honourable senators to Beauchesne's 6th edition, page 241, citation 877, which states:

No act done at any committee shall be divulged before it has been reported to the House.

Further in the same citation, it states:

The publication of proceedings of committees conducted with closed doors or of reports of committees before they are available to Members will, however, constitute a breach of privilege.

Then, of course, we have our own rules, which are equally clear in that regard. Rule 43(1) states as follows:

The preservation of the privileges of the Senate is the duty of every Senator. A violation of the privileges of any one Senator affects those of all Senators...

Our rules then set out the conditions that the Speaker must consider in deciding whether or not there is a *prima facie* case. These are founded in rule 43(1), which states the matter must:

(a) be raised at the earliest opportunity.

That has been done.

(b) be a matter directly concerning the privileges of the Senate...

That has been established.

(c) be raised to seek a genuine remedy...for which no other parliamentary process is reasonably available.

That will be accomplished with the motion that Senator Andreychuk has indicated she is prepared to make.

(d) be raised to correct a grave and serious breach.

The comments that I have heard have convinced me that that is the case.

The four conditions having therefore been met, I rule that there is a *prima facie* case. Senator Andreychuk may proceed with her motion.

• (1400)

REFERRED TO PRIVILEGES, STANDING RULES AND ORDERS COMMITTEE

Hon. A. Raynell Andreychuk: Honourable senators, I move, seconded by Senator Prud'homme:

That the question of privilege concerning the unauthorized release of working drafts of a report of the Standing Senate Committee on Aboriginal Peoples be referred to the Standing Committee on Privileges, Standing Rules and Orders.

The Hon. the Speaker: Honourable Senator Andreychuk, you are simply proposing that the matter be moved to the Standing Committee?

Senator Andreychuk: Yes.

The Hon. the Speaker: You should have your motion in writing, but if the Senate agrees, we can do it verbally. Is it agreed?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before I leave the Chair, I should like to draw your attention to a distinguished group in the galleries, all of the galleries. These are the members of a group attending here on Parliament Hill for a Special Conference on Parliamentary Committees. These are Clerks and Table Officers from all across Canada, including from our latest new territory, Nunavut. They are here for a conference. This is the initiative of Gary O'Brien, our own Principal Clerk of Committees. It is the first time that such a conference has been held, and I think it is a magnificent idea. It should be helpful to all the Clerks and Table Officers across the country.

On behalf of honourable senators, I wish you welcome here in the Senate.

Hon. Senators: Hear, hear!

The Senate adjourned during pleasure.

[Translation]

ROYAL ASSENT

The Honourable John Major, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Acting Speaker, the Honourable the Deputy Governor General was pleased to give the Royal Assent to the following bills:

An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development, (*Bill C-32, Chapter 33, 1999*)

An Act to establish the Public Sector Pension Investment Board, to amend the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the Royal Canadian Mounted Police Superannuation Act, the Defence Services Pension Continuation Act, the Royal Canadian Mounted Police Pension Continuation Act, the Members of Parliament Retiring Allowances Act and the Canada Post Corporation Act and to make a consequential amendment to another Act, (*Bill C-78, Chapter 34, 1999*)

The Honourable the Deputy Governor General was pleased to give the Royal Assent to the said bills.

The House of Commons withdrew.

The Honourable the Deputy Governor General was pleased to retire.

The sitting of the Senate was resumed.

[English]

• (1410)

NUCLEAR ARMS

MOTION TO URGE NUCLEAR WEAPONS STATES TO TAKE WEAPONS OFF ALERT STATUS—DEBATE ADJOURNED

Hon. Douglas Roche, pursuant to notice of September 7, 1999, moved:

That the Senate recommends that the Government of Canada urge the nuclear weapons states plus India, Pakistan and Israel to take all of their nuclear forces off alert status as soon as possible.

He said: Honourable senators, the prestigious journal *Scientific American* recently reported that on January 25, 1995 military technicians at a handful of radar stations across northern Russia saw a troubling blip suddenly appear on their screens. A rocket, launched from somewhere off the coast of Norway, was rising rapidly through the night sky. Well aware that a single missile from a U.S. submarine plying those waters could scatter eight nuclear bombs over Moscow within 15 minutes, the radar operators immediately alerted their superiors.

The message passed swiftly from Russian military authorities to President Boris Yeltsin, who, holding the electronic case that could order the firing of nuclear missiles in response, hurriedly conferred by telephone with his top advisors. For the first time ever, that nuclear briefcase was activated for emergency use.

• (1420)

For a few tense minutes, the trajectory of the mysterious rocket remained unknown to the worried Russian officials. Anxiety mounted when the separation of multiple rocket stages created an impression of a possible attack by several missiles. However, the radar crews continued to track their targets. After about eight minutes, senior military officers determined that the rocket was headed far out to sea and posed no threat to Russia.

The unidentified rocket in this case turned out to be a U.S. scientific probe, sent up to investigate the northern lights. Weeks earlier, the Norwegians had duly informed Russian authorities of the planned launch from the offshore island of Andoya, but somehow word of the high altitude experiment had not reached the right ears. That frightening incident, according to *Scientific American*, aptly demonstrates the danger of maintaining nuclear arsenals in a state of hair-trigger alert.

Doing so heightens the possibility that one day someone will mistakenly launch nuclear missiles, either because of a technical failure or a human error. A mistake made, perhaps, in the rush to respond to false indications of an attack.

The Norway incident was not an isolated one. The U.S.-based Centre for Defense Information reported this month that in the years 1977 to 1984, a total of 20,784 false warning nuclear indications, most of them minor, were processed.

Last March, appearing before a joint meeting of Senate and House of Commons Foreign Affairs Committees, General Lee Butler, former commander-in-chief of the U.S. strategic command, said that upon receiving confirmation of an impending attack, the U.S. president would have only 12 minutes to decide whether to retaliate.

Both the U.S. and Russian military have long instituted procedures to prevent an accident from happening. However, their equipment is not foolproof. Russia's early-warning and nuclear command systems are deteriorating. The safety of all other nuclear weapons systems, in particular, those of India and Pakistan, is even less reliable. All told, there are 5,000 nuclear weapons on hair-trigger alert status, meaning they could be fired within minutes. The fate of humanity must not hang by such a slender thread.

Thus, a movement is building up around the world to de-alert all nuclear weapons. This would be done by the physical separation of the warheads from the delivery vehicles. That is the intent of the motion I respectfully submit to the Senate. It reads:

That the Senate recommends that the Government of Canada urge the nuclear weapons states plus India, Pakistan and Israel to take all of their nuclear forces off alert status as soon as possible.

Honourable senators will recognize that the motion is narrowly drawn. The subject of nuclear weapons is huge and complex. The abolition of nuclear weapons, for which I stand, entails a lengthy debate, but de-alerting is precise and sharply focused and can be done immediately under conditions of mutual verifiability. It must be done in order to prevent a calamity occurring through human error, system failure, irrational acts, or by the simple working of the laws of chance.

Some may interpret this motion as connected to the famous Y2K problem, which deals with the ability of computers to properly interpret the correct date change when the year 2000 arrives. It is true that the failure of computers to recognize the year 2000 could infect the command, control, communication and intelligence systems of nuclear forces. There may or may not be a problem on New Year's Eve, at midnight.

However, Russia and the U.S. are sufficiently concerned about this that they intend to establish a joint centre in the United States which would seat a handful of U.S. and Russian officers side-by-side for a few days during the 2000 date switch to monitor blips on nuclear screens. The officers would be in direct touch with their respective national command authorities to alleviate any concern about blips that may occur on the date change. Key United States senators have called for the inclusion of China, India and Pakistan in this early warning centre, so concerned are they that ill-prepared computers may malfunction.

This response to a potential problem is clearly inadequate. The year 2000 date change merely highlights the existing danger to the world because of the alert status of nuclear forces. The world needs the safety that de-alerting would ensure, not just on New Year's Eve but throughout every day of every year.

Honourable senators, in short, the argument as put forth by the Canberra commission of international experts is that the practice of maintaining nuclear-tipped missiles on alert must be ended because: It is a highly regrettable perpetuation of Cold War attitudes and assumptions; it needlessly sustains the risk of hair-trigger postures; it retards the critical process of normalizing U.S.-Russian relations; it sends the unmistakable and, from an arms control perspective, severely damaging message that nuclear weapons serve a vital security role; it is entirely inappropriate to the extraordinary transformation in the international security environment.

Honourable senators, terminating nuclear alert would do the following: reduce dramatically the chance of an accidental or unauthorized nuclear weapons launch; have a positive influence on the political climate among the nuclear weapons states; and it would help set the stage for intensified cooperation.

The Canberra commission concluded that taking nuclear forces off alert could be verified by national technical means and nuclear weapon state inspection arrangements. De-alerting has a wide basis of support. The Government of Canada is in favour, and has expressed its support in a formal response to the report on nuclear weapons of the Standing Committee on Foreign Affairs and International Trade. Therefore, this motion falls within government policy.

The U.K. government recently relaxed a notice to fire its nuclear weapons from minutes to days. Resolutions of the UN General Assembly have urged de-alerting.

The chairman's report of the three-year preparatory process for the 2000 review of the non-proliferation treaty calls for de-alerting to prevent accidental or unauthorized launches.

Friends of the Earth, in Sydney, Australia, have obtained the support of 380 organizations around the world for de-alerting.

Honourable senators, a few years ago I went back to Hiroshima and Nagasaki, the two cities in Japan that suffered atomic bomb attack. I have seen these sites several times. Each time, it is a profound experience in understanding the destructive power of nuclear weapons.

Accidental nuclear war remains an immense treat to humanity today. We can help to lessen that threat. I commend this motion, honourable senators, for your consideration.

Hon. John. B. Stewart: Honourable senators, I should like to ask Senator Roche a question.

He has made a persuasive speech and my question is: Given the plausibility of the argument he advances, why is it that the nuclear weapons states plus India, Pakistan and Israel, have not already taken their nuclear forces off alert status? Is there some argument, or is it recalcitrance among one or more of the states?

Senator Roche: I thank the Honourable Senator Stewart for that question.

The main reason that the principal nuclear weapons states, led by the United States and Russia, along with the U.K., France and China, have not de-alerted is that nuclear weapons fit into the strategy of nuclear deterrence. It is argued by some that, by de-alerting, they are taking away or diminishing the constant status of nuclear deterrence. That argument has been rebutted. After all, in the case of an emergency or some crisis happening in international affairs, nuclear weapons could be reactivated.

Therefore, it is for the safety of the major areas of the world that the de-alerting process, campaign or movement has grown. It is held by proponents of de-alerting that it is a more important consideration for the safety of humanity to take weapons off alert status than to preserve nuclear deterrence as we have known it through the Cold War years.

• (1430)

On motion of Senator Carstairs, debate adjourned.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday next, September 21, 1999, at 2 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, September 21, 1999, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 36th Parliament)
Tuesday, September 14, 1999

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to amend the Canadian Transportation Accident Investigation and Safety Board Act and to make a consequential amendment to another Act (Sen. Graham)	97/09/30	97/10/21	Transport and Communications	98/04/02	four	98/05/27	98/06/18	20/98
S-3	An Act to amend the Pension Benefits Standards Act, 1985 and the Office of the Superintendent of Financial Institutions Act (Sen. Graham)	97/09/30	97/10/21	Banking, Trade and Commerce	97/11/05	seven	97/11/20	98/06/11	12/98
S-4	An Act to amend the Canada Shipping Act (maritime liability) (Sen. Graham)	97/10/08	97/10/22	Transport and Communications	97/12/12	three	97/12/16	98/05/12	06/98
S-5	An Act to amend the Canada Evidence Act and the Criminal Code in respect of persons with disabilities, to amend the Canadian Human Rights Act in respect of persons with disabilities and other matters and to make consequential amendments to other Acts (Sen. Graham)	97/10/09	97/10/29	Legal and Constitutional Affairs	97/12/04	one	97/12/11 Senate agreed to Commons amendments 98/05/06	98/05/12	09/98
S-9	An Act respecting depository bills and depository notes and to amend the Financial Administration Act (Sen. Graham)	97/12/03	97/12/12	Banking, Trade and Commerce	98/02/24	one	98/03/19	98/06/11	13/98
S-16	An Act to implement an agreement between Canada and the Socialist Republic of Vietnam, an agreement between Canada and the Republic of Croatia and a convention between Canada and the Republic of Chile, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	98/05/05	98/05/12	Foreign Affairs	98/05/28	none	98/06/02	98/12/03	33/98
S-21	An Act respecting the corruption of foreign public officials and the implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and to make related amendments to other Acts	98/12/01	98/12/03	Whole	98/12/03	one at 3rd	98/12/03	98/12/10	34/98
S-22	An Act authorizing the United States to pre-clear travellers and goods in Canada for entry into the United States for the purposes of customs, immigration, public health, food inspection and plant and animal health	98/12/01	99/02/11	Foreign Affairs	99/03/24	four	99/04/28	99/06/17	20/99

S-23	An Act to amend the Carriage by Air Act to give effect to a Protocol to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air and to give effect to the Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier	98/12/10	99/02/03	Transport and Communications	99/03/11	none	99/03/16	99/06/17	21/99
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**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-2	An Act to establish the Canada Pension Plan Investment Board and to amend the Canada Pension Plan and the Old Age Security Act and to make consequential amendments to other Acts	97/12/04	97/12/16	Committee of the whole 97/12/17	97/12/17	none	97/12/18	97/12/18	40/97
C-3	An Act respecting DNA identification and to make consequential amendments to the Criminal Code and other Acts	98/09/30	98/10/22	Legal and Constitutional Affairs	98/12/08	none	98/12/09	98/12/10	37/98
C-4	An Act to amend the Canadian Wheat Board Act and to make consequential amendments to other Acts	98/02/18	98/02/26	Agriculture and Forestry	98/05/14	five	98/05/14	98/06/11	17/98
C-5	An Act respecting cooperatives	97/12/09	97/12/16	Banking, Trade and Commerce	98/02/24	none	98/02/25	98/03/31	01/98
C-6	An Act to provide for an integrated system of land and water management in the Mackenzie Valley, to establish certain boards for that purpose and to make consequential amendments to other Acts	98/03/18	98/03/26	Aboriginal Peoples	98/06/09	none	98/06/18	98/06/18	25/98
C-7	An Act to establish the Saguenay-St. Lawrence Marine Park and to make a consequential amendment to another Act	97/11/25	97/12/02	Energy, Environment and Natural Resources	97/12/09	none	97/12/10	97/12/10	37/97
C-8	An Act respecting an accord between the Governments of Canada and the Yukon Territory relating to the administration and control of and legislative jurisdiction in respect of oil and gas	98/03/17	98/03/25	Aboriginal Peoples	98/03/31	none	98/04/01	98/05/12	05/98
C-9	An Act for making the system of Canadian ports competitive, efficient and commercially oriented, providing for the establishing of port authorities and the divesting of certain harbours and ports, for the commercialization of the St. Lawrence Seaway and ferry services and other matters related to maritime trade and transport and amending the Pilotage Act and amending and repealing other Acts as a consequence	97/12/09	98/03/26	Transport and Communications	98/05/13	none	98/05/28	98/06/11	10/98

C-10	An Act to implement a convention between Canada and Sweden, a convention between Canada and the Republic of Lithuania, a convention between Canada and the Republic of Kazakhstan, a convention between Canada and the Republic of Iceland and a convention between Canada and the Kingdom of Denmark for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend the Canada-Netherlands Income Tax Convention Act, 1986 and the Canada-United States Tax Convention Act, 1984	97/12/02	97/12/08	Banking, Trade and Commerce	97/12/09	none	97/12/10	97/12/10	38/97
C-11	An Act respecting the imposition of duties of customs and other charges, to give effect to the International Convention on the Harmonized Commodity Description and Coding System, to provide relief against the imposition of certain duties of customs or other charges, to provide for other related matters and to amend or repeal certain Acts in consequence thereof.	97/11/19	97/11/27	Banking, Trade and Commerce	97/12/04	none	97/12/08	97/12/08	36/97
C-12	An Act to amend the Royal Canadian Mounted Police Superannuation Act	98/04/28	98/04/30	Social Affairs, Science & Technology	98/06/04	none	98/06/08	98/06/11	11/98
C-13	An Act to amend the Parliament of Canada Act	97/10/30	97/11/05	Legal and Constitutional Affairs	97/11/06	none	97/11/18	97/11/27	32/97
C-15	An Act to amend the Canada Shipping Act and to make consequential amendments to other Acts	98/05/05	98/06/03	Transport and Communications	98/06/10	none	98/06/11	98/06/11	16/98
C-16	An Act to amend the Criminal Code and the Interpretation Act (powers to arrest and enter dwellings)	97/11/18	97/12/11	Legal and Constitutional Affairs	97/12/16	none	97/12/17	97/12/18	39/97
C-17	An Act to amend the Telecommunications Act and the Telelobe Canada Reorganization and Divestiture Act	97/12/09	98/02/24	Transport and Communications	98/03/25	none	98/04/29	98/05/12	08/98
C-18	An Act to amend the Customs Act and the Criminal Code	98/02/10	98/02/18	Legal and Constitutional Affairs	98/04/02	none	98/04/28	98/05/12	07/98
C-19	An Act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other Acts	98/05/26	98/06/08	Social Affairs, Science & Technology	98/06/18	none	98/06/18	98/06/18	26/98
C-20	An Act to amend the Competition Act and to make consequential and related amendments to other Acts	98/09/24	98/11/17	Banking, Trade and Commerce	98/12/03	none + two at 3rd	98/12/10 Commons amendments referred to Committee 99/02/11	99/03/11	02/99
C-21	An Act to amend the Small Business Loans Act	98/03/19	98/03/25	Banking, Trade and Commerce	99/02/16	concur in Commons amendments	98/03/31	98/03/31	04/98

C-22	An Act to Implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	97/11/25	97/11/26	Foreign Affairs	97/11/27	none	97/11/27	97/11/27	33/97
C-23	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	97/11/26	97/12/04	—	—	—	97/12/08	97/12/08	35/97
C-24	An Act to provide for the resumption and continuation of postal services	97/12/02	97/12/03	Committee of the whole	97/12/03	none	97/12/03	97/12/03	34/97
C-25	An Act to amend the National Defence Act and to make consequential amendments to other Acts	98/06/11	98/06/18	Legal and Constitutional Affairs	98/11/24	one	98/12/01	98/12/10	35/98
C-26	An Act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Grain Futures Act	98/06/08	98/06/16	Agriculture and Forestry	98/06/18	none	98/06/18	98/06/18	22/98
C-27	An Act to amend the Coastal Fisheries Protection Act and the Canada Shipping Act to enable Canada to implement the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and other international fisheries treaties or arrangements	99/04/21	99/04/27	Fisheries	99/05/13	none	99/05/13	99/06/17	19/99
C-28	An Act to amend the Income Tax Act, the Income Tax Application Rules, the Bankruptcy and Insolvency Act, the Canada Pension Plan, the Children's Special Allowances Act, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Tax Act, the Federal Provincial Fiscal Arrangements Act, the Income Tax Conventions Interpretation Act, the Old Age Security Act, the Tax Court of Canada Act, the Tax Rebate Discounting Act, the Unemployment Insurance Act, the Western Grain Transition Payments Act and certain Acts related to the Income Tax Act	98/04/28	98/05/12	Banking, Trade and Commerce	98/06/04	none	98/06/16	98/06/18	19/98
C-29	An Act to establish the Parks Canada Agency and to amend other Acts as a consequence	98/06/03	98/06/15	Energy, the Environment and Natural Resources	98/10/20	none	98/11/19	98/12/03	31/98
C-30	An Act respecting the powers of the Mi'kmaq of Nova Scotia in relation to education	98/06/11	98/06/16	Aboriginal Peoples	98/06/18	none	98/06/18	98/06/18	24/98
C-31	An Act respecting Canada Lands Surveyors	98/05/07	98/05/26	Energy, the Environment and Natural Resources	98/06/09	none	98/06/10	98/06/11	14/98

C-32	An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development	99/06/02	99/06/08	Energy, the Environment and Natural Resources	99/09/09	none	99/09/13	99/09/14	33/99
C-33	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	98/03/18	98/03/25	—	—	—	98/03/26	98/03/31	02/98
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/03/18	98/03/26	—	—	—	98/03/31	98/03/31	03/98
C-35	An Act to amend the Special Import Measures Act and the Canadian International Trade Tribunal Act	98/12/07	99/02/17	Foreign Affairs	99/03/24	none	99/03/25	99/03/25	12/99
C-36	An Act to implement certain provisions of the budget tabled in Parliament on February 24, 1998	98/05/28	98/06/08	National Finance	98/06/15	none	98/06/17	98/06/18	21/98
C-37	An Act to amend the Judges Act and to make consequential amendments to other Acts	98/06/11	98/09/22	Legal and Constitutional Affairs	98/10/22	eight	98/11/04	98/11/18	30/98
C-38	An Act to amend the National Parks Act (creation of Tukituk Nogait National Park)	98/06/15	98/06/17	Energy, the Environment and Natural Resources	98/12/01	none	98/12/10	98/12/10	39/98
C-39	An Act to amend the Nunavut Act and the Constitution Act, 1867	98/06/03	98/06/08	Aboriginal Peoples	98/06/09	none	98/06/10	98/06/11	15/98
C-40	An Act respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence	98/12/02	98/12/10	Legal and Constitutional Affairs	99/03/25	none	99/05/12	99/06/17	18/99
C-41	An Act to amend the Royal Canadian Mint Act and the Currency Act	98/12/02	98/12/09	National Finance	99/02/18	none	99/03/02	99/03/11	04/99
C-42	An Act to amend the Tobacco Act	98/12/02	98/12/08	Legal and Constitutional Affairs	98/12/10	none	98/12/10	98/12/10	38/98
C-43	An Act to establish the Canada Customs and Revenue Agency and to amend and repeal other Acts as a consequence	98/12/08	99/02/10	National Finance	99/03/18	none	99/04/27	99/04/29	17/99
C-45	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/06/10	98/06/16	—	—	—	98/06/17	98/06/18	28/98
C-46	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/06/10	98/06/16	—	—	—	98/06/17	98/06/18	29/98
C-47	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	98/06/11	98/06/16	Banking, Trade and Commerce	98/06/17	none	98/06/18	98/06/18	23/98
C-49	An Act providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management	99/03/09	99/04/13	Aboriginal Peoples	99/05/13	two	99/05/13	99/06/17	24/99

C-51	An Act to amend the Criminal Code, the Controlled Drugs and Substances Act and the Corrections and Conditional Release Act	98/11/18	98/12/03	Legal and Constitutional Affairs	99/03/04	none	99/03/09	99/03/11	05/99
C-52	An Act to implement the Comprehensive Nuclear Test-Ban Treaty	98/10/20	98/10/28	Foreign Affairs	98/11/18	one	98/11/24	98/12/03	32/98
C-53	An Act to increase the availability of financing for the establishment, expansion, modernization and improvement of small businesses	98/11/25	98/12/02	Banking, Trade and Commerce	98/12/08	none	98/12/09	98/12/10	36/98
C-55	An Act respecting advertising services supplied by foreign periodical publishers	99/03/16	99/03/24	Transport and Communications	99/05/31	three	99/06/08	99/06/17	23/99
C-57	An Act to amend the Nunavut Act with respect to the Nunavut Court of Justice and to amend other Acts in consequence	98/12/07	98/12/10	Legal and Constitutional Affairs	99/02/18	none	99/03/02	99/03/11	03/99
C-58	An Act to amend the Railway Safety Act and to make a consequential amendment to another Act	99/02/02	99/02/11	Transport and Communications	99/03/17	none	99/03/18	99/03/25	09/99
C-59	An Act to amend the Insurance Companies Act	98/12/10	99/02/04	Banking, Trade and Commerce	99/02/16	none	99/02/18	99/03/11	01/99
C-60	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/12/02	98/12/08	—	—	—	98/12/09	98/12/10	40/98
C-61	An Act to amend the War Veterans Allowance Act, the Pension Act, the Merchant Navy Veteran and Civilian War-related Benefits Act, the Department of Veterans Affairs Act, the Veterans Review and Appeal Board Act and the Halifax Relief Commission Pension Continuation Act and to amend certain other Acts in consequence thereof	99/03/16	99/03/18	Social Affairs, Science & Technology	99/03/23	none	99/03/24	99/03/25	10/99
C-64	An Act to establish an indemnification program for travelling exhibitions	99/05/31	99/06/03	Social Affairs, Science & Technology	99/06/10	none	99/06/14	99/06/17	29/99
C-65	An Act to amend the Federal Provincial Fiscal Arrangements Act	99/03/11	99/03/16	National Finance	99/03/23	none	99/03/24	99/03/25	11/99
C-66	An Act to amend the National Housing Act and the Canada Mortgage and Housing Corporation Act and to make a consequential amendment to another Act	99/05/11	99/05/11	Social Affairs, Science & Technology	99/06/10	none	99/06/14	99/06/17	27/99
C-67	An Act to amend the Bank Act, the Winding-up and Restructuring Act and other Acts relating to financial institutions and to make consequential amendments to other Acts	99/05/31	99/06/03	Banking, Trade and Commerce	99/06/10	none	99/06/14	99/06/17	28/99
C-69	An Act to amend the Criminal Records Act and to amend another Act in consequence	99/05/31	99/06/08	Legal and Constitutional Affairs					
C-71	An Act to implement certain provisions of the budget tabled in Parliament on February 16, 1999	99/05/11	99/05/12	National Finance	99/06/03	none	99/06/14	99/06/17	26/99

C-72	An Act to amend the Income Tax Act, to implement measures that are consequential on changes to the Canada U.S. Tax Convention (1980) and to amend the Income Tax Conventions Interpretation Act, the Old Age Security Act, the War Veterans Allowance Act and certain Acts related to the Income Tax Act	99/05/11	99/05/13	Banking, Trade and Commerce	99/03/31	none	99/06/07	99/06/17	22/99
C-73	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	99/03/17	99/03/23	---	---	---	99/03/24	99/03/25	14/99
C-74	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000	99/03/17	99/03/24	---	---	---	99/03/25	99/03/25	15/99
C-76	An Act to provide for the resumption and continuation of government services	99/03/24	99/03/24	Committee of the Whole 99/03/25	99/03/25	none	99/03/25	99/03/25	13/99
C-78	An Act to establish the Public Sector Pension Investment Board, to amend the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the Royal Canadian Mounted Police Superannuation Act, the Defence Services Pension Continuation Act, the Royal Canadian Mounted Police Pension Continuation Act, the Members of Parliament Retiring Allowances Act and the Canada Post Corporation Act and to make a consequential amendment to another Act	99/05/31	99/06/03	Banking, Trade and Commerce	99/06/15	none	referred back to Committee 99/06/17	99/09/14	34/99
C-79	An Act to amend the Criminal Code (victims of crime) and another Act in consequences	99/05/31	99/06/08	Legal and Constitutional Affairs	99/06/10	none	99/06/14	99/06/17	25/99
C-82	An Act to amend the Criminal Code (impaired driving and related matters)	99/06/10	99/06/14	Legal and Constitutional Affairs	99/06/16	none	99/06/17	99/06/17	32/99
C-84	An Act to correct anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain Acts that have ceased to have effect	99/06/10	99/06/15	---	---	---	99/06/16	99/06/17	31/99
C-86	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial years ending March 31, 2000 and March 31, 2001	99/06/09	99/06/14	---	---	---	99/06/15	99/06/17	30/99

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-208	An Act to amend the Access to Information Act	98/11/17	99/02/11	Social Affairs, Science & Technology	99/03/11	none	99/03/16	99/03/25	16/99
C-220	An Act to amend the Criminal Code and the Copyright Act (profit from authorship respecting a crime) (Sen. Lewis)	97/10/02	97/10/22	Legal and Constitutional Affairs	98/06/10 adopted	recommend Bill not proceed			
C-251	An Act to amend the Criminal Code and the Corrections and Conditional Release Act (cumulative sentences)	99/06/08							
C-410	An Act to change the name of certain electoral districts	98/05/28	98/06/04	Legal and Constitutional Affairs	98/06/08	two	98/06/09	98/06/18	27/98
C-411	An Act to amend the Canada Elections Act	98/05/28	98/06/04	Legal and Constitutional Affairs	98/06/08	none	98/06/09	98/06/11	18/98
C-445	An Act to change the name of the electoral district of Stormont-Dundas	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/11	99/03/11	07/99
C-464	An Act to change the name of the electoral district of Sackville-Eastern Shore	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/11	99/03/11	08/99
C-465	An Act to change the name of the electoral district of Argenteuil-Papineau	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/09	99/03/11	06/99

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-6	An Act to establish a National Historic Park to commemorate the "Persons Case" (Sen. Kenny)	97/11/05	97/11/25	Energy, the Environment and Natural Resources					
S-7	An Act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable (Sen. Haidasz, P.C.)	97/11/19	97/12/02	Legal and Constitutional Affairs					
S-8	An Act to amend the Tobacco Act (content regulation) (Sen. Haidasz, P.C.)	97/11/26	97/12/17	Social Affairs, Science & Technology	98/04/30	two	Dropped from Order Paper pursuant to Rule 27(3) 98/10/01		
S-10	An Act to amend the Excise Tax Act (Sen. Di Nino)	97/12/03	98/03/19	Social Affairs, Science & Technology	98/06/03	none	referred back to Committee 98/09/24		
					98/12/09	one			
					Dropped from Order Paper pursuant to Rule 48(2) 99/09/08				
S-11	An Act to amend the Canadian Human Rights Act in order to add social condition as a prohibited ground of discrimination (Sen. Cohen)	97/12/10	98/03/17	Legal and Constitutional Affairs	98/06/04	one	98/06/09	Motion for 2nd reading negatived in the Commons 99/04/13	
S-12	An Act to amend the Criminal Code (abuse of process) (Sen. Cools)	98/02/10	98/05/06	Legal and Constitutional Affairs					
S-13	An Act to incorporate and to establish an industry levy to provide for the Canadian Anti-Smoking Youth Foundation (Sen. Kenny)	98/02/26	98/04/02	Social Affairs, Science & Technology	98/05/14	seven + two at 3rd	98/06/10	Bill withdrawn pursuant to Commons Speaker's Ruling 98/12/02	
S-14	An Act providing for self-government by the first nations of Canada (Sen. Tkachuk)	98/03/25	98/03/31	Aboriginal Peoples					
S-15	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	98/04/02	98/06/09	Legal and Constitutional Affairs	98/06/18 Report & Bill withdrawn 98/12/08	four			
S-17	An Act to amend the Criminal Code respecting criminal harassment and other related matters (Sen. Oliver)	98/05/12	98/06/02	Legal and Constitutional Affairs					

S-19	An Act to give further recognition to the war-time service of Canadian merchant navy veterans and to provide for their fair and equitable treatment (Sen. Forrestall)	98/06/18	Negatived 99/06/14	
S-24	An Act to provide for judicial preauthorization of requests to be made to a foreign or international authority or organization for a search or seizure outside Canada (Sen. Beaudoin)	99/03/03	99/06/08	Legal and Constitutional Affairs
S-26	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	99/03/10		
S-27	An Act to amend the Canada Elections Act (hours of polling at by-elections) (Sen. Lynch-Staunton)	99/03/16		
S-28	An Act to amend the Canada Elections Act (hours of polling in Saskatchewan) (Sen. Andreychuk)	99/04/20		
S-29	An Act to amend the Criminal Code (Protection of Patients and Health Care Providers) (Sen. Laviole-Roux)	99/04/29	99/06/15	Legal and Constitutional Affairs
S-31	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	99/09/09		

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S-18	An Act respecting the Alliance of Manufacturers & Exporters Canada (Sen. Kelleher, P.C.) (Dropped from Order Paper pursuant to Rule 27(3)(98/11/17) (Restored to Order paper 99/04/15)	98/06/17	99/04/20	99/05/04	none	99/05/05	99/06/17
S-20	An Act to amend the Act of incorporation of the Roman Catholic Episcopal Corporation of Mackenzie (Sen. Taylor)	98/09/23	98/10/29	98/12/03	three	98/12/09	99/03/25
S-25	An Act respecting the Certified General Accountants Association of Canada (Sen. Kirby)	99/03/04	99/03/23	99/04/20	two	99/04/22	99/04/29
S-30	An Act to amend the Act of incorporation of the Board of Elders of the Canadian District of the Moravian Church in America (Sen. Taylor)	99/05/13	99/06/16	99/09/09	none	99/09/14	

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